National Municipal Review

Published Monthly by the NATIONAL MUNICIPAL LEAGUE
Vol. XXVIII, No. 3
Total Number 273

CONTENTS FOR MARCH

The contents of the National Municipal Review are indexed in the *Engineering Index Service*, the *Index to Legal Periodicals*, the *International Index to Periodicals* and in *Public Affairs Information Service*.

League's Business

League Members in the News

C. A. Dykstra, president of the University of Wisconsin and of the National Municipal League, has recently been appointed to the committee of one hundred which will assist Warner Brothers in the choice of significant chapters of the country's history for the studio's series of historical features. Other members of the committee include former President Hoover and Dr. Ray Lyman Wilbur, president of Stanford University.

John G. Winant was sworn in as director of the International Labor Office at the opening session of the governing body's regular quarterly meeting at Geneva last month. Mr. Winant, formerly governor of New Hampshire, is a member of the League's council.

Rowland Egger, editor of foreign news for the NATIONAL MUNICIPAL REVIEW, has just been appointed by Governor Price of Virginia as director of the state budget, in charge of administration. Dr. Egger is professor of political science at the University of Virginia and a director of the university's Bureau of Public Administration.

Allen H. Seed, Jr., a member of the League's council, has recently become executive vice-president of the Minneapolis Civic Council. Mr. Seed was formerly executive secretary of the City Manager League of Toledo.

League Survey Recommends Manager Government for Bar Harbor, Maine

Bar Harbor, Maine, famous summer playground of America's wealthiest families, could save at least $30,000 of its present annual budget of $278,000 by adopting the town manager form of government, the Consultant Service of the National Municipal League reported in January.

Under the direction of Howard P. Jones, director of the Service, and Paul A. Volcker, town manager of Teaneck, New Jersey, the Consultant Service has recently completed a survey of the town government of Bar Harbor, made under the authorization of the local Board of Selectmen, to which the ninety-page report is addressed, but financed by a group of citizens.

Calling Bar Harbor's present form of government "as inappropriate as a covered wagon on a modern express highway," the report lays most of the waste to lack of planning and direction and points out there is no way in which there can be any planning or continuing leadership under the present setup. The report contemplates no change in the town meeting or the Board of Selectmen. Rather, additional powers would be given to the board under the proposal.

Municipal debt was found to have increased 199 per cent in ten years. The survey reports that "if Bar Harbor had refunded all its outstanding borrowings in 1937 under competitive bidding in the Boston money market, interest charges might have been reduced from $9,722 to $7,570, a saving of about $2,150 in one year."

It is revealed that the summer residents and winter population of the exclusive resort have demonstrated an unusual promptness in paying taxes.

Part of a $16,000 poor department deficit for 1937 is blamed on the "haphazard and unscientific manner in which supplies are apportioned to the needy." It is charged that "prices paid by the poor department for groceries and other basic supplies are higher, sometimes considerably higher, than is necessary. The overseer takes a monthly average of prices of all standard commodities quoted by each store in town. The average

price of each commodity is then set as the price which the poor department will pay. In one case, the price paid for an article was as much as 91 per cent higher than the lowest retail price.

"Paupers are given orders on special stores, and the amount of poor department business given to each store is apparently determined in proportion to the amount of taxes paid by that store. One chain grocery store whose prices seem to be uniformly lower than all the other stores in town is apparently given no business whatever."

The town highway department is criticized because "it frankly performs a double function: (a) construction and maintenance of streets, highways, and sewers; and (b) employment of many need individuals in order to keep them off the pauper lists. At present taxpayers have no way of knowing just how much is being spent for purely relief purposes, nor how much less highway functions would cost if the department did not have to use sub-standard labor."

Sixty-one separate recommendations are made for the improvement of Bar Harbor government, but the report insists that the adoption of the town manager form "supersedes and precedes the rest. Bar Harbor needs a single trained executive head to tie together into cohesive, smoothly functioning professional whole."

HOWARD P. JONES, *Secretary*

Letters to the Editor

To the Editor of the NATIONAL MUNICIPAL REVIEW:

Much of the hue and cry raised by some of our well meaning administrators against what is viewed by them as "interference" by the judiciary with their administrative discretion should be discounted. It must be admitted that up to recent years there was little complaint on that score. With the expansion of administrative agencies, necessitating greater delegation of rule-making power and broader field of discretion, greater surveillance by the courts has undoubtedly become necessary to prevent illegal action or abuse of discretion.

In a recent address before the National Municipal League, one of the civil service commissioners of a large city complained rather bitterly of the seeming interference by some of the justices of the courts. Whether the commissioner was justified in his criticism of the courts it is not possible, nor even necessary, for us to say. It is, however, a matter of public concern whether it serves any useful purpose for an administrator to deliver a public tirade against the judiciary every time the court disagrees with the administrator's interpretation or construction of the law. Undoubtedly some of the administrators in their zeal and impatience to accomplish reforms or improvements go much beyond legislative or constitutional authority. The temptation is great on the part of the administrator to "legislate" rather than administer within the authority already granted. This often leads to legal complications.

Dispassionate and disinterested study of the fields of lawful administrative discretion and proper judicial review is the road to successful solution of the problem; not intemperate scolding and acrimonious criticism.

H. ELIOT KAPLAN, *Executive Secretary*

National Civil Service Reform League

National Municipal Review

Editorial Comment

The Advice of a Wise Father

WASHINGTON, capital city of the world's foremost democracy, is seething with the discontent of disfranchised voters who for generations have been "relieved" of the responsibilities of self-government.

Pressure of various groups and individuals who feel the situation is scarcely a shining example of local self-government, regardless of the special considerations which led to establishment of the present system, finally brought about a recently completed study by a professional survey organization.[1]

Inevitably the administrative experts recommended a city council which would appoint a well paid, highly qualified, single administrator who would be responsible to the council—in other words an arrangement commonly known as the council-manager plan.

Those who have been so glibly using George Washington's pronouncements about other matters must have been just a little startled to find the survey report quoting him, as of 1792, as follows:

"It has always been my opinion, and still is so, that the administration of the affairs of the federal city ought to be under the immediate direction of a judicious and skilful superintendent, appointed by and subject to the orders of the commissioners (who, in the eye of the law, are the responsible characters), one in whom are united knowledge of men and things, industry, integrity, impartiality, and firmness; and this person should reside on the spot."

Richard S. Childs, chairman of the council of the National Municipal League, is customarily credited with being the originator of the manager plan. Perhaps he will be willing to yield the honor to the "father of his country."

A Congressman Goes Back Home

REGARDLESS of how you feel about Maury Maverick, you've got to admit he's no piker. When he was defeated last fall for re-election to Congress, he wasn't looking for a soft job which, it is claimed, could have been his for the asking. He assigned himself an outstandingly difficult task — bringing "good government" to San Antonio, Texas, "home town" to him and to his forbears for several generations.

A man who has been as active in public affairs, both at home and in Washington, as has Maury Maverick is well able to define

[1]Griffenhagen and Associates, Chicago.

"good government," of course; but it is interesting to know that, before going home, he spent weeks in strenuous activity consulting leaders of notably well governed cities, attending meetings of governmental authorities such as the National Conference on Government at Baltimore, seeking out and consulting the ablest municipal administrators.

When he started back for San Antonio he told friends:

"It makes no difference to me who runs for mayor, just so it is someone who gives adequate assurance that San Antonio will achieve good government—and by good government I mean certain specific administrative structures and practices which have come to be recognized as sound and productive of good government."

Recently a "Fusion" ticket, including the former congressman as candidate for mayor, was announced in San Antonio. The "Fusion" platform has eight planks:

FIRST: We pledge an honest, efficient business administration. The taxpayer's money will not be used to build a political machine for any of us, or for any other group.

SECOND: The Health Department will be organized on such a plan, and operated in such a way as to secure and maintain the approval of the Federal and State Health Departments, and of the local medical profession. This department will be put on a civil service basis, modeled after that of the Post Office Department of the national government.

THIRD: We shall endeavor to balance the budget of the city, and to put the city on a cash basis. A better and more efficient administration can be given for less money than is at present being expended.

FOURTH: An intelligent system of accounting will be installed such that the financial condition of the city may be ascertained at any time: the ordinances of the city of San Antonio will be codified (this has not been done since 1898); building and engineering data will also be codified, and a new building code will be made.

FIFTH: The state laws and city ordinances shall be uniformly and fairly enforced in all parts of San Antonio. Public law and order shall be maintained at all times, and this shall include suppression of ordinary crime violence of any kind, gambling, and trespass of property. We shall take vigorous steps to reduce the inexcusably high rate of automobile accidents and fatalities which prevail at the present time.

SIXTH: We shall establish genuine civil service for the Fire and Police Departments. It will be civil service modeled after that of the federal government.

SEVENTH: We pledge ourselves to take such action as to guarantee the submission of a city manager charter to the people of San Antonio, during our first term.

EIGHTH: We pledge that the recreation parks and swimming pools of San Antonio will be made sanitary and be properly supervised and that they are kept clean and fit for human use, and that such regulations are made so that all citizens shall receive the benefit of their use.

In the alphabet of anyone who knows municipal affairs, this platform should spell good government, especially the forthright pledge in plank number seven to work for adoption of the most modern non-political system of administering local services.

The former congressman's apparent intention of taking a leaf from the book of Mayor La Guardia's brilliant record in New York is just one more indication that persons in public life are coming to realize that good government is good politics.

Merit System Stages Successful Comeback in Connecticut

After eighteen years of spoils Nutmeg State turns again to merit system; second year demonstrates its steadily increasing effectiveness.

PATTERSON H. FRENCH
Yale University

THE state of Connecticut is now in the second year of a unique experiment. Like the boxer who attempts a comeback after a knockout and years of retirement, the Nutmeg State is now operating under the merit system for the second time, eighteen years after it returned to the spoils system by repealing its first merit law.

With true New England conservatism Connecticut waited a generation before it followed the pioneering efforts of New York and Massachusetts by enacting its first merit system statute in 1913. This law was on the statute books until 1921, but its effective life began to ebb almost as soon as it started. Indeed, emasculation by successive legislatures went so far that repeal in 1921 was the barest kind of formality.

Unlike the boxer, whose comeback trail is usually short and rocky, Connecticut's second attempt seems from the beginning to have been more successful than her first. The law which was passed by the 1937 legislature has been described by the personnel director as "one of the most progressive civil service statutes in the country." Up to the middle of October 1938, 127 examinations had been given to 13,735 candidates, and the Personnel Department seems to be moving through its second year with steadily increasing effectiveness.

The present state merit system owes its existence to the Connecticut Reorganization Commission of 1935, to the support of Governor Wilbur L. Cross, and to the efforts of several active citizens' groups. The commission, led by Colonel Thomas Hewes, a prominent figure in state governmental affairs, Dean Charles E. Clark of the Yale Law School, and Dr. Benjamin P. Whitaker, formerly of the Economics Department of Yale University and since appointed state budget director, made sweeping recommendations to the 1937 legislature for reorganization of the state government and included a vigorous statement urging personnel reform.

The citizens' group which has been most active in this field has been the Connecticut Merit System Association. This organization traces its ancestry back to 1881, when the New Haven Civil Service Reform Association came into being. It became the Connecticut Civil Service Reform Association in 1901, the Connecticut Civic Association in 1926, and the Connecticut Merit System

Association in 1936. With chapters in all of the larger communities of the state and in many of the smaller ones, it has been influential particularly in the last three years in arousing public interest and in encouraging a somewhat reluctant state legislature to view personnel reform in a favorable light. Support has come from other groups, particularly the League of Women Voters and a group of Bridgeport city officials headed by Mayor Jasper McLevy, whose Socialist administration has accomplished sweeping reforms there.

MERIT MACHINERY

The law which was enacted in 1937 has several interesting features. The personnel director, who is appointed by the Governor with the consent of the Senate at a salary of $7,500 per year, is placed in the classified service without limitation as to the length of his term and can be removed by the Governor only for "misconduct, incompetency, or neglect of duty." He is chosen from a list of "eligible persons" selected by the Advisory Personnel Committee which is described below. No civil service commission of the usual kind is set up, but ten "administrative heads of departments" are named by the Governor to be an Advisory Personnel Committee to "advise and assist the personnel director in the formulation of rules and regulations . . . and in the establishment and maintenance of procedure and technique relating to personnel administration."

One recommendation of the Reorganization Commission which deserves special mention was that the personnel organization, a powerful budget bureau, and a centralized purchasing unit be grouped under the Commissioner of Finance and Control. This development of what A. E. Buck describes in his recent monograph on state reorganization[1] as the "fiscal control" pattern of organization was achieved when the 1937 legislature created the three necessary units and placed them in the Department of Finance and Control. Strength was added to the arrangement by a provision that the creation of new positions and the filling of vacancies must be approved as necessary by both the budget and the personnel units.

Other provisions of the law follow a familiar pattern. Existing employees were covered into the system without examination. (The personnel director's first annual report suggests that a qualifying examination ought to be required later if such an employee asks to be put on the re-employment list after having been laid off because of abolition of his position or voluntary separation from the service.) Examinations are to take a form which will test the "quali-

[1] A. E. Buck, *Reorganization of State Governments in the United States,* New York, Columbia University Press.

fications, fitness, and ability of the persons tested to perform the duties of the class or position to which they seek appointment." Formal educational requirements may not be made, but this has not prevented the use of education as an alternative for other experience. Two years of residence in Connecticut is required except where "no qualified resident of the state shall apply." Veterans' preference is granted in the usual form, with credits of 10 per cent for veterans "eligible for disability compensation" and 5 per cent for all others, provided that a passing grade is obtained before the application of the credit.

THE LAW IN OPERATION

The law went into effect immediately upon being signed by Governor Cross on May 12, 1937. Ten department heads were selected to serve as the Advisory Personnel Committee and from three names submitted by that group, the Governor chose Harry W. Marsh to be personnel director. Mr. Marsh came to his new position from New York City, where he had been in charge of personnel matters for 13,000 employees as deputy commissioner of public welfare since 1934. His experience with public personnel problems has been long, as he served the National Civil Service Reform League from 1912 to 1928, first as assistant secretary and later as executive secretary. Between 1928 and 1934 he was civic director of the New York City Club.

Mr. Marsh took office on July 1, 1937, and the first examinations, for state policemen and for the staff of the Personnel Department, were given on July 24th and 31st. Between that date and October 15, 1938, applications were received from 20,347 persons, 127 examinations were held for 13,735 candidates, 6,089 persons were placed on employment lists, and 1,093 persons were actually appointed to positions. (There were 11,756 employees in the state service on October 31, 1938, of which 10,264 were in the classified service.) These figures do not include the review of qualifications of certain unskilled and custodial workers who were not appointed by competitive examination, nor the ratification of the appointments of more than a thousand temporary workers.

In general, the Personnel Department has followed the usual pattern in organizing its machinery. Qualifications and requirements for the various positions are determined in consultation with department heads. Typically, the requirements include a specified number of years of experience in the field for which the candidates are being recruited, with a provision for the substitution of education in relevant subjects above grade school or high school level for part of the necessary experience. Candidates are rated on their records, a written

examination and an oral examination in most cases, although the oral examination has been omitted for some of the routine positions and a "technical oral" examination has been given in lieu of the written one in some specialized fields and for certain positions in the higher brackets.

EXAMINING COMMITTEES

One feature which seems to have met with considerable success is the use of examining committees of individuals who have been recruited largely from outside of the state service. These committees, of citizens who serve without compensation, have been used for the preparation and grading of both written and oral examinations for positions where the department, with its small budget and limited staff, was not equipped to judge the merits of candidates for technical jobs.

According to the *First Annual Report* of the personnel director, fifty-three committees served in the first sixteen months of the department's operation. A detailed tabulation which was submitted with the report shows that 101 different individuals worked on these committees, twenty-six of them serving more than once. Members were recruited from many sources; the various educational institutions in the state contributed thirty-one, while others were drawn from the state service and from private activities which included law, engineering, medicine, social work, accounting, and many others.

Committees have consisted usually of three members. Two examinations were prepared by committees of one, while the largest had eight members. In most cases the statement of requirements has been prepared by the Personnel Department and the head of the agency concerned, the examination has been drawn up by the committee after consultation with the department's staff, the written examination has been given by the department and graded by the committee, and the oral has been given by the committee augmented by a member of the department.

It seems likely that the use of the examining committee will become less frequent as the initial period of adjustment passes into long-term administration, in spite of the fact that there has been little question about its successful operation. If the Personnel Department is given funds to enlarge its staff it may employ people who are equipped to prepare examinations in some of the more important specialized fields. Also, there may be a limit to the number of private citizens who will feel that they can afford to donate their services to the state for the performance of duties which are sometimes onerous. On the other hand, observers both in and out of the state service feel that the committees have a distinct usefulness outside of the special func-

tions which they perform. For one thing, the director's report pointed out that members of the committees have many valuable suggestions to make about examining practices. For another, there is value, real although intangible, in a process which informs members of the public at first hand about the operation of the merit system and which gives them a feeling of special interest in this field of state activity.

PIONEERING

One other phase of the examining technique should be mentioned because it is one in which the Connecticut group is likely to become recognized for its pioneering activity. This is the development of improved and refined methods of using rating charts to facilitate the grading of candidates in oral examinations. The leader of the work in this field is Miss Henrietta Fitch, now chief examiner of the department, who began her experimentation when she was handling personnel work in the State Labor Department. Using methods suggested by the United States Employment Service as a basis, the charts which are now being developed assist the examining officials in rating experience, personality, education, and other qualities which appear either in the candidate's record or at the oral examination. The charts provide weights in ascending scale for various lengths of "particularly valuable experience," "acceptable experience," and "related experience," and provide weighting scales for other qualities of personality, appearance, judgment, and the like which are judged to be pertinent to the position for which the candidate is applying. The system is not intended to be automatic, and new charts are prepared for each position, but the contribution in convenience and accuracy has already been substantial.

CLASSIFICATION AND SERVICE RATINGS

The merit system law provided that the classification system then in use should be studied "by the Legislative Council or the personnel director" and that a report should be made to the legislature in 1939. This has been, in the opinion of this writer, one of the least satisfactory parts of the administration of the system. The Legislative Council undertook this study with a small staff whose recruitment substituted political considerations for experience to an unfortunate degree. The resultant report of the council merely listed some six hundred titles of positions and left the problems of duties and compensation for future action, with the suggestion that this should be undertaken by the Personnel Department. Obviously, this suggestion should be followed and the department should be given the facilities to continue the work, particularly as that department has already had

to specify titles, qualifications, and salaries for the 127 positions for which examinations have been held.

The law also provided that the Personnel Department should undertake the preparation of a system of service ratings. This is in its initial stage at the present time, largely because the limitations of time and resources did not permit the overburdened staff to proceed faster with it. (The department has only four examiners and an entire staff of fifteen, with an annual budget of slightly over $50,000.)

THE PROBLEM OF THE VETERAN

The perennial problem of veterans' preference is present in Connecticut as it is in any personnel program. The personnel director has made a revealing compilation of the effect of granting the 5 per cent and 10 per cent credits to veterans. This shows, for example, that in the tests for claims examiner, second grade, the thirty-two veterans who were among the 170 passing candidates were advanced on the eligible lists by an average of twenty-six places when their extra points were added. The man who was thirteenth on the list moved up to fifth, the man who was thirtieth rose to second, and the man who was 114th moved up eighty places to thirty-fourth. In the ratings of claims examiners, third grade, the twenty-nine veterans among the seventy-five successful candidates advanced an average of nine places apiece.

This comparative advantage may be even more important in an examination where there are fewer successful candidates and fewer appointments as a result of the tests. In the examination for junior research assistant, a veteran moved from thirteenth place to fourth among twenty-four successful candidates and in tests for assistant electrical engineer, a veteran rose from eighth place to fourth out of nineteen who passed the examination.

The merit system law recognizes the questionable character of the present system of veterans' preference by providing that a study of the problem shall be made by the Legislative Council for presentation to the 1939 legislature. At the time of writing this report there is no indication that any change will be made in the present arrangement. Indeed, there has been no audible criticism of it among legislators, in the Personnel Department, or from the citizens' organizations, apparently on the theory of letting sleeping dogs lie.

CRITICISM, VALID AND OTHERWISE

Various critics of the law and its administration have, of course, expressed themselves. The bulk of these criticisms seem to flow from two sources, both of which reflect more upon the accusers than upon the accused. In the first place, the evidence points strongly to attempts during the

past year to start a whispering campaign among the beneficiaries of the old spoils system as a prelude to an attempt to repeal the entire law in the 1939 legislature. This campaign has met with little success, partly because Mr. Marsh's administration of the law left the campaigners with little to rely upon except their own imaginations, and partly because of the energetic work of the Connecticut Merit System Association in investigating and correcting unfounded statements about the operation of the law.

The second source of criticism grew out of incomplete information on the part of the public about the operation of the law. State employees were suspicious of it at first, perhaps on the theory that known political protection was better than the untested non-political kind. Critics outside of the state service complained now and then that candidates failed who should have passed or vice versa or that requirements of age and education were discriminatory. It has been the kind of criticism which arises around any new governmental activity and in most instances a full statement of the circumstances which gave rise to the complaint has been sufficient to solve the problem. No case has come to the writer's attention which has raised a question in his mind about either the honesty or the competence of the Personnel Department.

The preceding comment on the critics of the new system is not intended by any means to suggest that Connecticut has made the amazing achievement of establishing a personnel Utopia in eighteen months. There have been various instances in which the coöperation of state departments with the law has seemed to be somewhat less than perfect. Although the writer has not yet had an opportunity to look personally into any of the complaints about the too-enthusiastic use of temporary appointments by department officials or their lack of sincere application of the "political activities" provision of the law, he is sufficiently aware of the element of human nature in politics to suspect that the smoke conceals some fire.

As to temporary appointments, the Personnel Department has faced a difficult situation. As the director pointed out in his annual report, the Department of Public Works needed one hundred additional employees and the Department of Labor (for its unemployment compensation program) needed more than one thousand even before the Personnel Department had been given time to complete its own staff. The problem was complicated by the fact that many of these positions were obviously temporary and by the fact that the periods of need for temporary employees did not always coincide with the statutory lengths of time for which such employees were allowed to serve. There is

probably no way in which the law could be drafted to prevent a department head from extending the discretion which must necessarily be given him across the shadowy boundary line into political favoritism. Perhaps the most important considerations are that the personnel director states in his report that he has had "the cordial coöperation of all appointing authorities," and that the instances of coöperation in the trying inaugural period have been much more numerous than most observers expected them to be.

The problem of political activity is another one in which formal statutory provisions cannot wholly substitute for a cooperative spirit. However, in this case general agreement is expressed by the personnel director in his annual report, the new Governor in his inaugural address, and the various citizens' groups in their public statements that the law could be clarified and strengthened. Particularly the law should be amended to insert a provision, now missing, prohibiting the solicitation and collection of political assessments from employees in the classified service.

WHAT NEXT?

Naturally, the achievement of the first objective by the battlers for personnel reform has left them looking for new worlds to conquer. In this quest some difference of opinion has arisen between those who feel that present gains should be consolidated and others who want to make vigorous application of the principle of striking while the iron is hot. The first group expresses its philosophy in the program which has been adopted by the Merit System Association and which includes the strengthening of the "political activities" clause, passage of an enabling act for localities which may want to adopt the merit system later, adoption of a constitutional amendment embodying the basic principle of merit in political appointments, and the passing of merit system laws for four principal cities of the state. The second group, represented principally by the State Employees Association and Mayor McLevy of Bridgeport, supports this program and favors, in addition, the establishment of a Civil Service Commission, the selection of the top man instead of the choice of one from the top three, and the inclusion of the now exempt first assistants to department heads in the classified service. All of these changes will probably be presented for legislative consideration. At this writing there are not yet enough straws to show which way the legislative winds will blow.

Iowa Tries Homestead Tax Exemption

By C. A. CROSSER
Secretary, Des Moines Bureau of Municipal Research

Tax credit law proves popular with those who benefit under it, but many find addition of sales and income taxes burdensome.

TAKE away from John Homeowner the sales and state income taxes he pays, and then give back part of them, all of them, or even more than he paid, as a discount on the real estate tax on his home, and you have in substance the operation of the Iowa homestead tax credit law.

To express it in another way: about $11,000,000 out of the sales and income taxes paid by about 900,000 gainfully-employed persons in the state of Iowa is given to all taxing bodies to make up the loss they sustain by discounting an equal $11,000,000 from the real estate taxes of 300,000 homestead owners. In other words, taxes collected from 900,000 persons are distributed among 300,000 persons.

Here is the way this law operates. Twenty-five mills is deducted from the tax bill of every bona fide homestead owner in Iowa on the first $2,500 of his assessed valuation. Thus a Des Moines home owner who paid a 54-mill tax in 1938 received a 25-mill deduction, which cut his tax rate to 29 mills on the first $2,500 assessed value of his property. The farmer receives this same homestead tax credit up to $2,500 assessed value on the so-called "home"—forty acres including the farm buildings.

In taxing districts which have less than 25 mills, and there are many of them, the homestead owners receive tax credit for the full millage levy and therefore will pay no property tax at all if their assessed values are less than $2,500.

The city, county, school, and state taxing districts are content with this arrangement because they are reimbursed for the loss of this discount to homestead owners by receiving an equal amount from the state out of the sales and income tax funds.

This law has turned out to be one of the most effective means of substantially relieving the real estate tax of homestead owners which has been devised in any state. At the same time, it resulted in a complete double-crossing which the Iowa legislature gave non-homestead real estate owners. This is because the sales and income taxes, which were authorized in 1934 by the Iowa legislature, with the promise in the title of the bill that they would "replace in part the tax on real estate," were diverted in 1937 to replace only the tax on homesteads. It was a case of a fine objective reached by a devious means.

Here is the effect of this tax-shifting plan upon different types of property owners.

1. The owner of a modest

homestead in a city, who has an income of $1,800 a year or less, finds that his property tax has been very substantially reduced—far more than the new 2 per cent sales tax he pays. Probably he pays little or no state income tax. He certainly benefits from this tax-shifting device.

2. The homestead owner with a substantial income and living in an above-the-average home also has received a substantial reduction, probably $62.50, in his real estate taxes through the homestead tax credit. But his comfort is mostly illusory because he actually has paid more sales and income taxes than he has received back through his homestead tax credit.

3. The many homestead owners in taxing districts which have less than 25 mills, which include many small towns, pay absolutely no real estate tax. Few homes in the small towns are assessed up to $2,500. Such owner is in tax clover.

4. To the owner of rented dwellings and commercial properties the homestead tax credit allows no property tax discount. He finds himself holding the sack by paying a sales and income tax on top of his staggering property tax. And he thought that the sales and income taxes were to replace some of his property taxes.

The popularity of this law is proved by the fact that both Republicans and Democrats seeking state offices in the 1938 elections were screaming for credit for its inception.

TAX REFUNDS MADE

Here is a brief history of its evolution. After several Republican administrations had failed in tax revision efforts, the Democrats, under Governor, now United States Senator, Clyde Herring, secured passage in the 1934 legislature of the so-called three-point tax law. These three taxes were the individual income, the corporation income, and the state sales tax. The sales tax was proposed primarily for poor relief and was to expire in 1937.

This law included a provision that a certain share of the taxes collected under it should be refunded or rebated to all property owners, thus carrying out the law's declaration that it was a "tax replacement" measure.

In the fall of 1935, $3,200,000 of these new taxes were distributed to the approximately 500,000 real and personal taxpayers, in the ratio of their assessed values to the total assessed values in the county and state, in the form of an actual check for a cash refund made out to the taxpayers. While these tax refunds were comparatively small, the astonishing sensation of having a portion of his taxes paid back to him very much exaggerated the actual benefits to the taxpayer. The next year, $4,000,000 was distributed among all property owners either as a discount from

his property tax or as a cash refund.

As a retrenchment measure during the depression, the legislature in 1933 enacted a drastic tax reduction law which was to extend for two years. This cut taxes substantially in many communities although there was considerable wailing by city and school officials at the dire effects which actually did not transpire.

HOMESTEAD EXEMPTION LEGISLATION

When times got better, however, it was seen that it would be impossible to re-enact this tax reduction law. Therefore, appreciating the need of holding down real estate taxes, a group of legislators devised the first homestead exemption bill which was introduced in the legislature of 1935. The House and Senate passed this measure but it was vetoed by Governor Herring on the ground that the sales and income taxes had been enacted with the understanding that they would offset real estate taxes of all property owners and not just those who owned homesteads.

This same tax-shifting measure was again introduced in the 1937 legislature. It was passed by the legislature and received the approval of Governor Nelson G. Kraschel.

The argument which did much to secure the passage of this bill was the disclosure that non-resident property owners, like railroads and insurance companies, were receiving substantial refunds from the sales and income taxes to offset their property taxes. The following argument was heard:

"It isn't fair that the sales tax, which is paid by the poor people, should be used to lighten the property taxes of these non-resident corporations who contribute nothing to the state."

While such statement is a mixture of truth and fallacy, yet it had an appeal to the legislature.

So, for the last two years, all Iowa homestead owners have been receiving discounts in their property taxes amounting to 25 mills. This law has required considerable machinery to operate because homestead owners must file a claim for tax exemption each year.

Following are the number of homesteads and the amount of tax reduction for each of the past two years: 1937, 304,299 homesteads, $11,004,225 in refunds; 1938, 316,357 homesteads, $11,662,902 in refunds. It will be noted that there has been an increase of about 12,000 in the number of homesteads, which indicates that this law has, to a small degree at least, accomplished its original purpose of increasing the number of homeowners.

In 1938 there were 205,618 city homestead owners who received the homestead tax credit and 110,739 farm homestead owners. This is approximately in the same ratio as the total number of

414,000 city and non-farm dwellings and 221,000 farm dwellings.

A curious effect of this bill has been the comparatively large number of Iowa homestead owners who have been relieved of all property taxes. In all taxing districts which have a tax rate of 25 mills or less, homestead owners receive a discount of their entire tax rate on an assessed value up to $2,500. From one-third to one-half of the taxing districts in every county, chiefly in the rural localities, have tax rates of 25 mills or less. The exact number of homestead owners in this state who are thus relieved of all taxes has never been computed. Furthermore, these folks are saying very little about this fortunate tax status because the man who pays little or no taxes is not in the habit of boasting about it because of the fear that some other group will see that taxes are again slapped back on his property.

EXEMPTION POPULAR

Real estate dealers have been enthusiastic about the operation of this tax law because it has given them a splendid argument in selling dwellings to prospective home owners. This has been one of the reasons for the spurt in home building in Des Moines and other Iowa cities, which is of very great sociological and economic value to the state.

The weakness of the homestead tax credit act, viewed as a tax reduction device, is that it does not control expenditures by public bodies. Therefore, it may take only a few years before city, county, and school taxing districts, by increasing their operating activities, will offset all or most of the tax reduction granted homestead owners by this act. Also, it may come in conflict with the ambition of school people to set up a state school fund out of the sales and income taxes to provide better school facilities for weak school districts. However, it is doubtful that the legislature will assent to any substantial change in the homestead tax credit plan. Too many voters are enjoying themselves under it.

They Blow Out the Fires in Janesville

Three Janesville [Wisconsin] firemen proudly puffed out their chests as their mates called them "blow hards."

Called to a fire, the firemen found kerosene had leaked from a stove and was blazing on the lower part of it.

The three lined up, blew in unison, and out went the blaze.

Commented Chief Frank Murphy: "We planned it that way!"

Christian Science Monitor, February 21, 1939

One in Every Nine Works for the Government: A Review of Public Payrolls

By EDWARD R. GRAY and
WILLIAM R. DIVINE
Bureau of the Census

Salaries and wages of public employees, excluding relief workers, exceed five billion dollars — an eighth of all wages paid in the United States.

THE number of persons on public payrolls is a relatively unexplored subject of great potential significance. Current discussions of reciprocal tax exemption of government salaries, effects of the enlarging sphere of state and municipal activities, and continuing need for government economy point to the desirability for wider information on the subject of government employees and payrolls as an aid to well considered plans of action.

Extent of Public Employment.

In 1937 one out of every nine employees in the United States was in government service, even after excluding persons on work relief. Although it is popularly assumed that most government employees are in the federal service, actually over two-thirds of the 3,800,000 public servants in the United States are employed by state and local governments, while less than one-third are working for federal agencies.

The latest comprehensive estimate of government employees, published by the Bureau of Foreign and Domestic Commerce in its study of national income for 1937,[1] places the number of persons working directly for state and local governmental units at 2,600,000, while 1,200,000 were reported in agencies of the federal government, including 300,000 officers and enlisted men in the army and navy. City payrolls (including city schools) listed about as many persons as the entire federal service, and almost equally as numerous as federal employees were the teachers and school employees of all state and local governments.

Trends in Public Employment Since 1929.

The total number of public employees in 1937 was about 3,800,000, compared with 3,200,000 in 1929. This increase of 17.5 per cent in government contrasts with a decline of 9.1 per cent in private employment in the same period, as estimated by the Bureau of Foreign and Domestic Commerce.[2]

After 1929 employment in private business declined, until by 1933 the cumulative dip from the 1929 level had reached 28 per cent, but in the four following years, 1934-37, over three-quarters of this loss in private employment had been regained. Meanwhile government employ-

[1] *Income in the United States, 1929-37*, p. 36 (table 14).
[2] Ibid.

TABLE 1

GOVERNMENT EMPLOYEES[a] IN THE UNITED STATES, 1929, 1933, AND 1937

Source: United States Bureau of Foreign and Domestic Commerce, *Income in the United States, 1929-37*, Washington, November 1938, p. 36. (Original table has similar data for each year from 1929 to 1937 inclusive.)

	Number of employees (000's omitted)			*Percentage of 1929*		
	1929	1933	1937	1929	1933	1937
Total employees in United States	34,863	25,973	32,546	100.0	74.5	93.4
Total private employees	31,659	22,754	28,782	100.0	71.9	90.9
Total government employees	3,204	3,219	3,764	100.0	100.5	117.5
Federal	862	856	1,202	100.0	99.3	139.4
State	264	306	367	100.0	115.9	139.0
City	718	640	697	100.0	89.1	97.1
County, township, and minor units	269	260	298	100.0	96.7	110.8
Public education	1,091	1,157	1,200	100.0	106.0	110.0

[a]Part-time employees included at full-time equivalent. Work relief employees excluded.

ment had actually increased from 1929 to 1931 and was not below the 1929 figure even after declines had taken place in 1932 and 1933. Between 1933 and 1937 the number of employees in government service increased by 16.9 per cent. The data for this short period of depression and recovery confirm the customary generalization that changes in the number of public employees take place more slowly than changes in business conditions which affect the receipt of taxes.

The depression and subsequent revival, however, did not affect equally the employees of all types of government. For example, while a 12 per cent decline was taking place in city government (exclusive of schools) from 1929 to 1933, the number of employees of state agencies increased steadily, and continued to increase until by 1937 the number of state employees (exclusive of schools) was 39 per cent greater than in 1929. Although the number of persons on city payrolls has risen steadily since 1933, the 1937 figures show that municipal employees were still fewer by 3 per cent than in 1929. Table 1 summarizes the changes from 1929 to 1937 by type of governmental unit.

Salaries of Public Employees.

Salaries and wages received by employees of federal, state and local governmental units (excluding persons on work relief) aggregated $5,400,000,000 in 1937, equivalent to approximately one-eighth of the total amount of all salaries and wages in the United States. In 1929 government payrolls had formed a smaller fraction of total salaries and wages, being about one-eleventh of the

TABLE 2

TOTAL AND AVERAGE SALARIES AND WAGES OF GOVERNMENT EMPLOYEES IN THE UNITED STATES, 1929, 1933, AND 1937

Source: United States Bureau of Foreign and Domestic Commerce, *Income in the United States, 1929-37*, pp. 37-8.

	Total salaries and wages (in millions of dollars)			*Average compensation per employee*		
	1929	1933	1937	1929	1933	1937
Total all employment (government and non-government)	$50.572	$27,963	$42,828	$1,451	$1,077	$1,316
Total government	4,794	4,323	5,410	1,496	1,343	1,437
Federal	1,398	1,221	1,918	1,622	1,427	1,595
State	342	373	469	1,296	1,220	1,278
City	1,167	934	1,102	1,625	1,459	1,581
County, township, and minor units	376	331	396	1,397	1,275	1,326
Public education	1,511	1,464	1,525	1,386	1,265	1,272

total at that time, but by 1932 the proportion had risen to almost one-sixth of the wages and salaries paid in the United States. It may be surprising to some students of contemporary government, however, that the importance of public payrolls in the national income (even when work relief wages are included) has slowly but steadily decreased from 1932 to 1937.[3]

The average salary paid to a government employee has been increasing since 1933, although the compensation is still below the levels of 1929 (see table 2). Municipal salaries usually increase with population size of city (see table 3). From the incomplete data available, average salaries do not seem to differ appreciably under various forms of city government, as, for example, those headed by city managers and mayors. Such inconsistent variations as appear are difficult to interpret in view of the inadequacies of the data.

Municipal Employees Distributed by Functions.

In the ninety-four cities having a population of over 100,000 there were 689,000 full-time municipal employees on April 1, 1936, the date for which detailed information is available from the Bureau of the Census.[4] Employees of independent local government units, such as school, park, and port districts, within city boundaries, and a computed percentage of county employees in each city having a population of over 300,000, were included in the census data, while persons on local relief

[3]Ibid. p. 17 (table 2) and p. 24 (table 7).

[4]U. S. Bureau of the Census, *Financial Statistics of Cities*, 1936, pp. 207-212.

TABLE 3

NUMBER OF EMPLOYEES* AND AVERAGE SALARY PER MUNICIPAL EMPLOYEE ON DECEMBER 31, 1936, IN 781 REPORTING CITIES HAVING A POPULATION OF OVER 10,000

Source: International City Managers' Association, *Municipal Yearbook*, 1937, p. 267.

Population-size of city	*Number of cities reporting*	*Number of employees (in thousands)*	*Payroll (in millions of dollars)*	*Average salary per employee (in dollars)*
All cities reporting	781	497.0	877.0	1,765
Over 500,000	11	239.8	511.4	2,132
200,000 to 500,000	23	75.5	107.5	1,425
100,000 to 200,000	48	52.8	83.3	1,578
30,000 to 100,000	186	73.7	107.3	1,457
10,000 to 30,000	513	55.2	67.4	1,222

*Part-time employees included at full-time equivalent. School employees excluded as well as one or more other specific departments in many of the cities reporting.

rolls were excluded. These municipal payrolls included about 1.9 per cent of the aggregate population of these cities, or about 1.7 per cent, if the 58,000 employees of public service enterprises are excluded. Forty per cent of the remaining 631,000 employees in regular departments were on school payrolls. Next to schools, police protection accounted for more employees than any other municipal function, having 12 per cent of the total personnel in regular departments. Sanitation and fire prevention ranked third and fourth respectively.

Contrary to popular belief that a large part of the personnel of city governments is found in general administrative or "staff" offices, only 7.2 per cent of municipal employees were so classified by the census, even after public service enterprises were excluded. The remaining 92.8 per cent were engaged in operating services, such as providing educational and recreational facilities, constructing roads, and furnishing police, fire, and health protection. The distribution of municipal employees in large cities among each of the major functions of government is summarized in table 4.

Municipal Employees by Size of City.

In New York City alone there were nearly 139,000 full-time municipal employees, a greater number than are included in the entire population of many of our larger cities. The nine cities with populations numbering more than half a million but less than one million average 12,858 municipal employees per city, compared with an average of 6,786 in municipalities having populations from 300,000 to 500,000 and an average of 2,333 in cities having between

TABLE 4

NUMBER AND PERCENTAGE DISTRIBUTION OF FULL-TIME MUNICIPAL EMPLOYEES, APRIL 1, 1936, IN 94 CITIES HAVING A POPULATION OVER 100,000

Compiled from data published in United States Bureau of the Census, *Financial Statistics of Cities Having a Population of Over 100,000, 1936*, Washington, 1938. p. 207 ff.

(NUMBER OF EMPLOYEES IN THOUSANDS)

	Municipal employees by size of city							
	All cities over 100,000		*Cities over 500,000*		*Cities between 300,000 and 500,000*		*Cities between 100,000 and 300,000*	
	Number	*Per cent*	*Number*	*Per cent*	*Number*	*Per cent*	*Number*	*Per cent*
All departments including public service enterprises	689		436		89		164	
Regular departments[a]	631	100.0	397	100.0	81	100.0	152	100.0
General government	46	7.2	32	8.0	7	8.0	7	4.9
Protection to person and property	132	20.9	85	21.5	15	18.8	31	20.7
Police Department	76	12.1	54	13.5	8	9.5	15	9.9
Fire Department	47	7.5	26	6.4	6	7.8	15	10.0
Other	9	1.4	6	1.5	1	1.5	1	.8
Conservation of health	21	3.4	14	3.5	4	4.5	4	2.5
Sanitation	58	9.2	41	10.3	6	7.3	11	7.3
Highways	28	4.5	16	4.0	5	5.7	8	5.0
Charities[b]	13	2.1	9	2.2	2	2.7	2	1.6
Hospitals	35	5.6	26	6.6	6	7.0	3	2.3
Corrections	6	1.0	5	1.2	1	1.2	[d]	.3
Schools[c]	252	39.9	144	36.3	32	39.6	75	49.6
Libraries	12	2.0	8	1.9	2	2.0	3	1.9
Recreation	24	3.7	16	4.0	2	2.9	5	3.5
Miscellaneous	3	.5	2	.6	[d]	.3	1	.5
Public service enterprises	58		39		7		12	

[a]Excluding employees of public service enterprises, which are shown separately following the regular departments.
[b]Including supervision of charities, hospitals, and correction.
[c]School employees for the full school year were reported as for full time.
[d]Less than 1,000.

100,000 and 300,000 inhabitants.

Differences in area, climate, topography, population density, and customary expectation of citizens with regard to the variety and extent of municipal services prevent use of comparisons on the number of city employees as a measure of the relative efficiency of two or more specific city governments. Certain generalizations, however, may be ventured about the comparative number of municipal employees for cities of dif-

TABLE 5

FULL-TIME MUNICIPAL EMPLOYEES PER THOUSAND INHABITANTS,[a] APRIL 1, 1936, IN 94 CITIES HAVING A POPULATION OVER 100,000

Compiled from data published in United States Bureau of the Census, *Financial Statistics of Cities Having a Population of Over 100,000, 1936*, Washington, 1938. pp. 207, 210.

	Municipal employees per thousand inhabitants by size of city			
	All cities over 100,000	*Cities over 500,000*	*Cities between 300,000 and 500,000*	*Cities between 100,000 and 300,000*
Regular departments[b]	17.3	18.6	18.1	14.3
General government	1.2	1.5	1.4	.7
Protection to person and property	3.6	4.0	3.4	2.9
Police Department	2.1	2.5	1.7	1.4
Fire Department	1.3	1.2	1.4	1.4
Other	.2	.3	.3	.1
Conservation of health	.6	.6	.8	.4
Sanitation	1.6	1.9	1.3	1.0
Highways	.8	.7	1.0	.7
Charities[c]	.4	.4	.5	.2
Hospitals	1.0	1.2	1.3	.3
Corrections	.2	.2	.2	*
Schools[d]	6.9	6.8	7.2	7.1
Libraries	.3	.4	.4	.3
Recreation	.6	.8	.5	.5
Miscellaneous	.1	.1	.1	.1
Public service enterprises	1.6	1.8	1.6	1.1

[a]Population figures used are from the fifteenth decennial census of population, 1930.
[b]Excluding employees of public service enterprises, which are shown separately following the regular departments.
[c]Including supervision of charities, hospitals, and correction.
[d]School employees for the full school year were reported as for full time.
*Less than one-tenth.

ferent population size on the theory that the groups contain cities of offsetting peculiarities.

For such inter-city comparisons, the number of municipal employees per thousand inhabitants is a good criterion. According to data prepared on this basis (see table 5), it appears that, as the population of a city increases, the number of municipal employees increases more than proportionately. In other words, not only does the number of employees, but also the number of employees per capita, vary directly with the population. For example, the number of full-time municipal employees in regular departments on April 1, 1936, was 14.3 per thousand inhabitants in cities having a population between 100,000 and 300,000, but was 18.6 per thousand in cities with over

half a million citizens. In cities having populations between 10,000 and 100,000 the same rule seems to hold, judging from tests made from data on city employees in the *Municipal Year Books*[5] of 1936, 1937, and 1938. The greater number of municipal employees per thousand population in large cities seems to indicate either that the larger cities provide more services than do the smaller ones or that the complex problems of larger cities increase the difficulties of performing these functions. Probably both explanations are correct.

Municipal Employees for Specific Functions.

The number of municipal employees, when thus reduced to a per capita basis, gives some indication of the relative importance of particular services for cities of different population size, even though comparisons between individual cities are dangerous. For example, comparisons of police and fire departments by groups of cities for different population size indicate that while police protection demands a greater amount of human activity per capita in larger cities than in smaller ones, fire protection requires fewer employees per capita as population increases. Perhaps the concentration of fire hazards, possibilities for the more efficient use of mechanical fire equipment, and more stringent building codes in larger cities, can have no parallels in the field of police protection. Quantitatively these contrasting tendencies may be seen in table 5, where the number of police employees per thousand people is shown to increase from 1.4 in cities of from 100,000 to 300,000 population to an average of 2.5 in cities having over half a million inhabitants, while fire department employees for each thousand members of the community averaged 1.4 and 1.2 respectively.

It might also be pointed out that although police departments and fire departments have approximately the same number of employees in cities between 100,000 and 300,000 inhabitants, cities with over half a million people required on the average more than twice as many policemen as firemen.

Schools, like fire departments, report somewhat fewer employees per thousand inhabitants in larger cities than in smaller ones. These two functions seem to be the exceptions to the general rule that the number of employees per capita increases as the size of the city increases.

Striking evidence of the unequal distribution of municipal medical services between large and small cities is given by the data showing that in cities of more than 300,000 inhabitants there are over four times as many municipal

[5]International City Managers' Association, *Municipal Year Book*, 1936, p. 192; 1937, p. 264; 1938, p. 292.

hospital employees per thousand inhabitants as there are in municipalities having a population of from 100,000 to 300,000. Hospital employees average 1.2 per thousand citizens in the former cities and only .3 per thousand in the latter. A corresponding concentration of all hospital facilities cannot be implied since the relative number of private hospitals in the two groups of cities has not been taken into account.

Municipal Employees in Public Service Enterprises.

In 1936 approximately 9 per cent of all full-time municipal employees in cities with over 100,000 inhabitants were in public service enterprises such as municipally operated water works, electric light plants, street railways, and airports. More employees per capita are engaged in public service enterprises in large cities than in smaller ones. While public service enterprise employees reached 1.8 per thousand inhabitants in cities of over half a million inhabitants, there were only 1.1 employees of municipal utilities for each thousand persons in communities having a population between 100,000 and 300,000.

Geographic Differences in Number of Municipal Employees.

Geographic analysis of per capita figures indicates that the average city in the Northeast and the West hires from one-fifth to one-quarter more employees for the same number of citizens than does the average city in the Mississippi Basin and the Southeast. Data from cities with a population of over 100,000 give the following results:

Geographic region	*Municipal employees per thousand inhabitants April 1, 1936*
Northeast (New England, New York, Pennsylvania, and New Jersey)	19.2
South (From Delaware and West Virginia to Texas and Oklahoma)	15.9
North Central (From Ohio to Missouri, Kansas, and North Dakota)	15.2
Mountain and Pacific (From Montana and New Mexico to the Pacific)	18.4

Although these averages probably reflect some sectional differences of opinion on the extent to which services should be supplied by municipal government, such factors as divergencies in population density and racial composition are probably of equal or greater significance. Regional differences are undoubtedly due also to the varying extent to which other units of government, such as counties and townships, supplement the functions performed by city governments.

Municipal Employees per Square Mile.

Data thus far available from large cities for the number of police, fire, and other municipal

employees per square mile, when distributed by cities grouped according to area size, do not show enough consistency to warrant a generalization. Information for 1936 for the ninety-four cities having over 100,000 population was analyzed on an area basis. From the analysis there appears to be a decrease in the number of policemen and firemen needed per square mile as one passes from the smallest area cities up to those covering about thirty square miles. In the twenty-six cities having an area of over fifty square miles, the number of policemen per square mile seems to increase markedly as the area of the city increases, while the number of firemen rises only slightly or remains stationary. Between the two area extremes no summary statement seems warranted.

Part-time Municipal Employees.

Part-time employees probably account for over 6 per cent of the total number of municipal employees in cities with over 10,000 population, and about 5 per cent of the number on payrolls of cities with over 100,000 inhabitants. As the population of cities increases, the percentage of part-time to all municipal employees decreases. Similarly, the number of part-time employees per thousand inhabitants decreases, although in contrast the number of full-time employees per thousand population increases with the population size of the city. Smaller cities seem to depend upon part-time help for a larger proportion of their work than the more populous cities do. The following illustrative data for April 1, 1936, exclude public service enterprise employees:

Population size of city	*Per cent of part-time employees to all employees*	*Part-time employees per 1,000 population*
All cities over 100,000	5.1	0.9
Cities over 500,000	3.9	0.7
Cities from 300,000 to 500,000	5.7	1.0
Cities from 100,000 to 300,000	7.8	1.1

Need for Current, Comprehensive, and Detailed Data.

Since expenditures for personnel constitute a major item in the operating budgets of practically all governmental units, comprehensive current indexes of governmental employment and payrolls would have considerable value and significance. Such indexes are not now available. Until appropriate records are kept routinely by the forty-eight states and by city and other local governments, the amount of usable data on employment and payrolls will be too meager for the detailed analysis desirable. Even if the collecting agency can use trained field agents working under its supervision, it would not be feasible to attempt complete employment summaries when basic records are inadequate, non-compar-

(Continued on Page 239)

The New York Courts and the Merit System

By ALBERT DE ROODE

Member of New York Bar, active in civil service litigation, takes exception to criticism of New York courts by president of New York City Civil Service Commission.

IN THE January number of the NATIONAL MUNICIPAL REVIEW, Paul J. Kern, president f the New York City Civil Service Commission, referred to the courts s an "obstacle" to the merit sys-em and suggested that opposition y individual members of the com-nission to "judicial patronage" ad influenced the courts, other nan our highest Court of Appeals, n a hostility to the merit system, s understood by Mr. Kern.

He also ascribed, rather in-emperately the writer believes, olitical motives to the lower ourts in such expressions as: They didn't need political influ-nce in the legislature, however. ll they sought was given to them y the Appellate Division"; and . . . the courts, whose members re almost unanimously from Tammany Hall. . . ."

Readers of the REVIEW outside lew York may have obtained a rong impression from Mr. Kern's rticle which this writer hopes to orrect. He has chosen to docu-ent this critique rather ex-ensively lest it be thought merely personal point of view.

The writer feels that Mr. Kern, while appreciating the authoritative precedents of the Court of Appeals as to the broader principles with which that court is necessarily concerned, has taken as his basis of criticism of the lower courts, their interpretation of these broad principles as applied to particular methods in which his commission tries to carry out these principles. The writer gives to Mr. Kern the fullest credit as to the sincerity of his motives, which, similarly, he thinks should have been given to the courts.

Since the adoption in New York in 1894 of the constitutional civil service article (now article V, section 6), the courts on the whole have been the most effective agency in the maintenance and progress of the merit system.

By a constant vigilant policy of litigation, the Civil Service Reform Association (and our citizenry) has, through its law committee and officers, been able to compel, not merely humbly persuade, advancement of the merit system. Let me quote from two recent decisions of our highest court, the Court of Appeals:

In *Matter of Sloat v. Board of Examiners,* 274 N. Y. 367 (1937), the court stated:

> Statutes and administrative orders alike must conform to the mandate of the constitution. They cannot authorize a procedure which would disregard or nullify that mandate. A person aggrieved by an order or determination of an administrative board or officer which has such result may, in proper case, appeal for redress to the courts. (*Matter of Barthelmess v. Cukor,* 231 N. Y. 435.)
>
> Upon such appeal the courts are not

> to be satisfied by lip service. Disobedience or evasion of a constitutional mandate may not be tolerated even though such disobedience might, perhaps, at least temporarily, promote in some respects the best interests of the public.

In *Matter of Andresen v. Rice,* 277 N. Y. 271 (1938), the question came up as to the method of examining for the state police force. There had been an admirable body of state police recruited through a system of departmental examinations, which were not, however, competitive. The court held, opinion by Crane, Ch. J.:

> It is not for us, however, to pass upon the best methods of selection or the wisdom of legislation. We have a constitution, which I have quoted, and we, like everybody else, are bound to follow it . . . the legislature cannot pass to the superintendent of police the appointment of his entire force without some competitive examination open to all according to requirements provided in advance.

CONSTITUTION BRINGS NEW PRINCIPLE

To appreciate fully the advance of the merit system in New York, the constitutional provision and its purpose and effect, which establish our system on a different and more democratic basis than mere administrative excellence, must be understood.

Before the adoption of our constitutional provision, a civil service law, following the federal law, provided for a commission which, under the direction of the government, should merely hold competitive examinations "as nearly as the conditions of good administration will warrant."

After the adoption of the constitution a new ideology prevailed.

The Court of Appeals, in *People ex rel. McClelland v. Roberts,* 148 N. Y. 360, stated:

> A new principle, far reaching in its scope and effect, has been firmly imbedded in the constitution,

and that:

> If the legislature should repeal all the statutes and regulations on the subject of appointments in the civil service the mandate of the constitution would still remain, and would so far execute itself as to require the courts, in a proper case, to pronounce appointments made without compliance with its requirements illegal.

There was, of course, the case of *People ex rel. Sims v. Collier,* 175 N. Y. 196, in which the court held that the question of whether positions should be competitive or not was a matter of law to be determined by certiorari, and that the classification of positions was quasi-judicial. The unfortunate effect of such decision became apparent to the Court of Appeals, however, and it reversed its decision a few years later in *People ex rel. Schau v. McWilliams,* 185 N. Y. 92, and held that the classification of positions under the civil service law as competitive or not involved the exercise of administrative discretion and was subject to review only by mandamus; and that where the action of a civil service commission in such classification of positions fell within the debatable field "within which there will be great differences of opinion even among the most intelligent of fair-minded men," the courts would not interfere with the reasonably exercised discretion of a commission.

The courts have steadfastly adhered to this policy and have declined to review acts of civil service commissions where discretion was fairly exercised. But the courts have not thereby rendered the constitutional provision sterile, for they have always been prompt to interfere where there was unreasoning, capricious, or arbitrary action, or where there was evasion or attempted circumvention of the constitutional mandate. They have also steadfastly applied to the civil service commissions the same rules as they have applied to other administrative bodies, and have always been prompt to protect the average citizen from dictatorship of the executive function of government.

MANNER OF SELECTION

The courts have given wide range to the appointive selection and have held (*People ex rel. Balcolm v. Mosher,* 163 N. Y. 32) against compulsory selection of the highest person on a competitive list in the case of officials with constitutional appointive power. They have held that it was a reasonable requirement, however, to limit the selection to one out of three.

Although the question has never been raised, the rule of one out of three has been generally applied also to non-constitutional appointing officials and in promotion examinations.

During the administration of Mayor Gaynor in New York, direction was given that in the police and fire services selection should be made strictly in order, except by express permission of the mayor. Succeeding administrations in the city have adhered to this practice and it has generally been extended to all departments under mayoralty control. It is a matter of central mayoralty sanction, of course, not of law.

The courts, however, have strictly limited the legislative power to exempt from the rule of competition and/or to grant preference to classes or individuals.

In *Matter of Barthelmess v. Cukor,* 231 N. Y. 435, it was held that the legislature could not add veteran preferences beyond that for Civil War veterans expressed in the constitution.

In *Matter of Ottinger v. Civil Service Commission,* 240 N. Y. 435, it was held that the legislature could not, in creating a new bureau in the attorney general's office, exempt all of the bureau in wholesale fashion from the scope of competition.

In *Barlow v. Berry,* 245 N. Y. 500, the courts held it beyond the power of the legislature to provide for the promotion, even in general language, of a specific individual.

In *People ex rel. Moriarty v. Creelman,* 206 N. Y. 570, the court upheld the right of the commission to prescribe reasonable preliminary requirements for entrance to examination.

The position of the local municipal civil service commissions under the civil service law should be

understood. Our civil service law provides a state-wide system immune from variation by local commissions or municipalities (*People ex rel. Fleming v. Dalton,* 158 N. Y. 175), a notable victory of that staunch advocate of the merit system, Judge Samuel H. Ordway, whose son is now a United States civil service commissioner, having graduated thereto from the New York Commission.

These municipal civil service commissions have been held by our Court of Appeals not to be municipal agencies (*Slavin v. McGuire,* 205 N. Y. 84).

The state commission must approve of changes in municipal rules and classifications under the rules. Credit for sanctioning the happy reduction in the number of exempt positions in New York City, referred to in Mr. Kern's article, must be given to that body.

The courts have thus given authoritative support to the merit principle as a state-wide constitutional ideology, while at the same time reserving to the legislatively-created state agencies, the municipal commissions, a free hand in the reasonable exercise of discretion consonant with this underlying principle of competition.

Now, let us take one case as an illustration of the "obstacle" which the courts have been to a "Fusion" reform commission in New York City. That case, and it is one of the latest, is *Matter of Sheridan v. Kern,* 356 Appl. Div. 57, decided June 24, 1938.

The Court of Appeals had, in *Matter of O'Callaghan v. Finegan,* 276 N. Y. 587, condemned an act of the legislature which provided for giving higher credit in competitive examinations to a vast horde of temporary employees (10,000 or more), who, without competition and contrary to law, had been employed for some seven years locally in New York City in the administration of relief.

Another act also provided that due credit should be given these employees. The local commission, of which Mr. Kern was then president, held an examination in which these emergency employees and others were allowed to compete for the position of social investigator.

RATINGS FOR RELIEF EMPLOYEES

In this examination, as revealed in the Sheridan case, the commission gave a basic rating of 80 per cent to these emergency employees but a basic rating of only 70 per cent to other candidates, and, as the court said, the commission also "gave Emergency Relief Bureau social investigators a credit of 4 per cent for their first year's experience with that bureau, while others were given a credit of 1 per cent for their first year's experience with other agencies."

Emergency Relief Bureau employees with a college degree were also given credit of three points, while others received no credit for such degree.

Here was a deliberate attempt to appraise these "emergency relief" workers by Mr. Kern's com-

mission on a higher basis than was given for similar experience in the case of others, contrary to the condemnation by the Court of Appeals in the *O'Callaghan* case.

The Appellate Division unanimously and, in the writer's opinion, correctly and justly, condemned such rigged examination to benefit favored "emergency" workers. The court stated:

> Any method which results in improperly placing in permanent positions those who obtain temporary employment is a reversion to the rightly condemned spoils system and is destructive of much that has been accomplished in the way of civil service reform. Where such procedure is sanctioned by an administrative body, it presents a clear case of abuse of discretion which the courts are in duty bound to correct.

COURTS OVERRULE COMMISSION

Along with a very excellent administration of the civil service law in the matter of routine positions in the City of New York, the present administration is chargeable with persistent utilization, without competition, of employments in the administration of relief.

Since 1931, when emergency relief was established in New York City, the administration of this relief, up to its transfer to the Department of Welfare at the beginning of 1938, was not part of the organic municipal structure. It was, however, in charge of a local body appointed by the mayor.

During all these seven years there was not the slightest attempt to select employees through competitive examination, and the fight to secure their appointment through competition was a long and arduous one against the city authorities through its corporation counsel. This culminated in two cases in the Court of Appeals, *Matter of Kraus v. Singstad,* 275 N. Y. 302, and *Britt v. Kern,* decided by the Court of Appeals December 6, 1938, application to Court of Appeals for leave to reargue denied January 17, 1939. In both of these cases the Court of Appeals upheld the decision of the lower courts adverse to the city.

In the Britt case figures submitted to the Court of Appeals showed that during seven years since 1931 there was an average annual expenditure for employment in the administration of relief of $17,702,200; a total for the seven years of $123,915,400. The lowest average salary calculated for these non-competitive administrators was $1,500 annually; many received from $2,000 to $3,000.

Further, there have been serious abuses in the utilization of Federal WPA workers not in made projects but in the normal functions of the municipality—thus making federal moneys a subsidy for appointment without competitive examination.

There is a large group of pharmacists, for instance, employed without competitive examination to take care of the indigent in the public hospitals, who are paid with federal money.

The Civil Service Commission has perhaps no control over these emergency and WPA spoils, but so far as the present municipal administration is concerned, it has

fought in the courts through its corporation counsel against efforts to compel competitive selection.

SPECIAL POINTS OF LAW

Of course, as Mr. Kern relates, in two of the cases to which he referred—the proposed lifeguard tests and the street sweeper's promotion examination—the decision of the lower court was reversed by the Court of Appeals. But in each there was also a debatable point of law presented.

In the lifeguard case there was involved not only the question as to the right to re-examine lifeguards annually but whether that right belonged to the Commission or to the appointing authority.

In the street sweeper's case, it so happened that the petitioner and many others who had complied with instructions of the commission actually received a rating lower than that of those who did not comply.

In the laundry bath attendant's case, referred to by Mr. Kern in his article, the fact upon which the court based its decision was not mentioned. It so happens that such employees must be familiar with high pressure steam equipment, and the commission had previously recognized the necessity for expert knowledge of such equipment so as to avoid accident.

To bring up to date the question as to how far the courts have been "obstacles" a recent determination of the court adverse to the commission is illuminating.

In *Matter of Wittekind v. Kern,* decided by the Supreme Court December 30, 1938, the commission, a year and a half after promotion examinations to the higher ranking positions in the Fire Department had been held, and a year after the promotion lists had been established, sought retroactively to change the rating of those who had failed according to the rule provided by the commission at the time of holding the examinations. They proposed to add known failures to the promotion lists, to the exclusion of others in the Fire Department who, since the examinations, had become eligible for promotion in new examinations which had been announced. Nothing of this sort had been attempted since 1903 even under Tammany commissions. This decision has just been affirmed by the Appellate Division. No appeal has as yet been taken to the Court of Appeals.

From sober analysis the writer feels that the courts in New York, Special Term, Appellate Division, and Court of Appeals, have, on the whole, not only given wholehearted support to the merit system but have rather carefully, and, in his opinion, sometimes unnecessarily, allowed the widest range to civil service commissions in the reasonable exercise of discretionary judgment. In those cases in which the courts have reversed action of civil service commissions there were few, if any, where the reversed action of the commission could be justified.

Massachusetts Counties under the Microscope

By RICHARD A. ATKINS
Boston Municipal Research Bureau

Minor functions and few officials make county problems of Bay State much less formidable than those of other states.

LIGHT-BRINGERS to the "dark continent" of American politics have avoided the area of county government which lies "down east." New England counties are explained away as being inconsequential units, wedged in between the localities and the state, with only a scattering of minor functions and a handful of officials. This implies that the county issues found elsewhere do not exist in New England and suggests that the section is singularly favored.

Correct as the prevailing impression may be in many respects, it should be examined more closely. County government in Massachusetts has at least the bearing of the county problem which has awakened so much interest during recent years.

County government in Massachusetts developed with the state judicial system. In 1636 quarterly sessions courts were created and the name of "county courts" was soon applied to them. Seven years later the four oldest counties in the commonwealth—Essex, Middlesex, Norfolk, and Suffolk —were chartered to assist the towns in the administration of justice.

By 1700 counties were responsible for most of the functions which have typified Massachusetts county government ever since: that is, the courts, jails, houses of correction, probate of wills, and the registration of titles to land. County officials of this early period were justices of the county courts, clerk of the courts, county treasurer, sheriff, and register of probate and of deeds.

Eighteenth century county commissioners were fiscal officers engaged in listing taxpayers and equalizing assessments. After continual county rule by judicial officers throughout colonial times, a large measure of administrative authority passed from the judges to the commissioners early in the 1800's.

Massachusetts is densely populated and its counties are few in number. Average county population is over 300,000, a figure surpassed in Connecticut alone. Only two of the fourteen counties have less than the median population of American counties; and nine are unusually populous, ranging from 120,000 to 935,000 inhabitants.

The two underpopulated counties are islands. One is Nantucket, where the county organization has been merged with the town government. The other is Martha's Vineyard, or Dukes

County, where a species of skeletonized county government is maintained. Neither presents a situation worth elaborating. Suffolk County, consisting of Boston and three satellites, is partially consolidated with the city government of Boston. As a result, it also stands somewhat apart from other counties in the state and requires separate treatment.

The eleven remaining counties exhibit roughly similar conditions and the ensuing discussion will refer primarily to them as a group. Their median area is nearly seven hundred square miles—a figure to be compared with the typical median area of six hundred square miles for counties in the United States.

LEGAL STATUS

Neither at the time of its adoption, nor subsequently through amendment, has the state constitution defined the form of county government or required a uniform system of county government. The sole constitutional officers are the sheriff, register of probate, and clerk of the courts.

No constitutional or statutory provisions exist which permit change in county organization save by sanction of the General Court. There is no home rule amendment, no series of optional forms of county government, no authorization for county consolidation or for city-county consolidation, and no statutory provision permitting consolidation of offices or functions.

Counties are under the thumb of the legislature, which is free to alter county lines and to determine the precise extent of county functions. For even trivial expansion of activity the counties must first seek legislative approval, as well as for many matters that are details of administration. County budgets pass through the legislative committee on counties and are annually enacted into state law.

GENERAL GOVERNMENT

Official duties of the county governing body in Massachusetts, a board of three elective commissioners, fall into certain distinguishable categories. The first is quasi-judicial, wherein the county commissioners may receive petitions, conduct hearings, and enter a formal order with respect to land takings for highways, and alterations to bridges and railroad crossings. As a parole board for dealing with prisoners in the county house of correction, they may release, among others, "rogues and vagabonds, persons who use any juggling or unlawful games or plays, common pipers and fiddlers."

County commissioners also act as trustees, or supervisory boards, of such county institutions as the tuberculosis sanatoria and county agricultural schools. As chief administrative officers for their county, they must allow payments and prepare budget estimates. Finally they possess an interesting assortment of miscellaneous functions tucked away in the nooks

and crannies of the governmental structure of the commonwealth.

The elected county treasurer is mainly a disbursing officer and paymaster. A few formal powers do not appreciably affect his status.

In Massachusetts the role of the sheriff may be quickly summarized. He is a jailer and master of the county penal institution. As chief court officer for the county in the supreme judicial and superior courts, he may serve criminal processes and civil notices, and enforce court orders.

The place of the four remaining elective county officials is sufficiently indicated by their titles: clerk of the courts for the county, register of deeds (and assistant recorder of the land court), register of probate, and district attorney.

These officials—together with numerous judicial officers, clerks of inferior courts, and judges, all of whom are appointed by the governor and council—constitute the county government.

COUNTY FUNCTIONS

Although the traditional county function is the administration of justice, the commonwealth is so deeply involved in its system of courts that the counties become little more than administrative districts. They thus serve as a mechanism for distributing the major portion of the cost of the courts among the cities and towns.

County employees are attached to the courts, and county buildings are used by the courts and related agencies; nevertheless, only the district and municipal courts are thought of as county courts—and these erroneously so.

County functions, once the courts and offices of record are accounted for, are not numerous. The county jails and houses of correction (usually combined) are survivals. They might have been assimilated with the state penal institutions system were it not for the political power of the sheriffs and the circumstance whereby jails are places of detention for persons in temporary court custody and not correctional institutions.

County aid to agriculture (or agricultural extension work) as carried on in nine counties reflects the federal government's consistent use of the county area in advancing its agricultural program. Three counties sponsor schools which give vocational education in agriculture for children of secondary school years. There are four county training schools for truants and delinquent minors.

County officials supervise district tuberculosis sanatoria and handle their finances, but the expense of construction and subsequent maintenance is a charge upon the eight hospital districts—which embrace all towns and cities in the county or counties (two districts include more than one county) without publicly supported tuberculosis sanatoria of their own.

Massachusetts counties help finance the construction and maintenance of state-county-local

highways. Where distribution of construction costs was at one time approximately a third among the three units, there is now a tendency for the state to take up a larger burden. Aside from routine maintenance of certain bridges and the making of preliminary plans, the counties have nothing to do with actual construction or repair.

Because county commissioners participate in the legal phases of highway administration and wield financial authority over road-building, they have a voice in shaping the highway program of the commonwealth—a process which bears a close parallel to the framing of an old-fashioned tariff schedule.

Significant departures from normal county activity are the health service and police training school in Barnstable County on Cape Cod. Given the general pattern of Massachusetts county government, the police school can only be characterized as a spectacular innovation.

EXCLUDED MATTER

Perhaps in summary the functions of Massachusetts counties will become clearer if expressed in the negative. This presentation, furthermore, will assist the reader in determining how many vexatious topics are eliminated from discussion where Massachusetts counties are involved.

Counties have no ordinance power, no police power worth mentioning, no power of taxation in their own right, no power of incurring indebtedness which is not narrowly defined. The counties do not assess property or collect taxes.

They do not actually carry on public works. They have no almshouses, nor have they touched the wide field of public welfare. No county serves as a public school district. There are no general county libraries. The solitary general hospital is in Barnstable County. A few reservations, of which county commissioners act as trustees, are the nearest approach to county parks.

There are, moreover, no elective coroners (medical examiners are appointees of the governor and council), no elective county judges, and no strictly county prosecutors. The county has only a limited consequence as an election district. Party organizations are no longer built around the counties; the county political convention has gone the way of other robust institutions.

TOWNS RETAIN THEIR VITALITY

Towns and cities (with a sprinkling of fire, water, and improvement districts) are the units in Massachusetts through which the chief governmental services are locally administered: Self-sufficient and weighted with tradition, the towns take on added significance because there are no unincorporated local areas in the state.

It has been said that county governments in the United States are adding to their time-honored responsibilities for maintenance

of law and order, highways, dependents, and delinquents by turning to the "conservation of natural and human resources."

Search of proposed legislation in Massachusetts during recent years does not disclose important sentiment for enlarging county powers. Massachusetts counties themselves have displayed extreme reluctance to surrender authority, but they have shown little disposition to reach out for more power.

Towns have joined forces in school superintendent and water districts. Two health districts under supervision of the state department of health have been formed from towns in rural sections. Metropolitan agencies in the Boston area, which administer parks and boulevards, sewerage, water, and transit, cut across five counties. In this piecemeal breakdown of local insularity counties are taking small part.

Duplication and overlapping are twin evils laid against counties. In Massachusetts the county functions gear into state functions to such an extent that observers, brushing aside practicalities, are struck by the ease with which the counties could be abolished. It is fair to consider whether the situation results in gain or loss. While government is simplified by self-contained town units, a vigorous agency between the state and the cities and towns might become increasingly useful. As the necessity for joint action multiplies and towns find it more and more desirable to act in unison, the absence of a well organized intermediate authority may prove a handicap. Therefore, the lack of fully developed county government may be set down as a problem in itself.

SOME COMMON PROBLEMS

Broad-gauged surveys of county government, being more concerned with the general than with the specific, dwell upon faulty organization and inadequate overhead controls. Despite the relative paucity of county functions in the commonwealth, Massachusetts counties are open to much of the criticism that has been voiced elsewhere. Authority is amply distributed among elective and appointed officials; each will ordinarily be found supreme within his own sphere. County departments are numerous and disjointed. Lines of responsibility cross and recross, although not perhaps with the same degree of disarray that marks more complicated counties west and south.

Overhead controls reveal shortcomings. County commissioners pursue primitive budget methods. Their fiscal powers are further vitiated by lack of authority over independent officials. Their preaudit function, however conscientiously exercised, is misplaced. County accounts are on a basis that precludes strict budgetary control. The independent county treasurer does not have the power which might conceivably justify his status. Centralized purchasing is nonexistent, unless the furnishing of dog license forms by a

state agency to county officials meets the description.

County government is frequently attacked for its personnel methods. In Massachusetts this function has been centralized to the extent of a personnel classification plan and uniform salary schedule enforced by a state-wide county personnel board of three county commissioners assisted by an experienced administrator with headquarters in the State House. Despite several gaps, these measures have relieved the General Court from most, but, as the last session is a witness, by no means all pressure in the guise of special county salary bills. As an added merit, the salary schedule has helped reduce the fee system—another common complaint against counties—to a minor irritation, most in evidence among officers of the courts.

Employees in the counties of any size come under a uniform contributory pension system, now reaching all personnel except judges, who will continue to receive non-contributory pensions.

Otherwise personnel matters are the exclusive concern of the individual heads of county offices. Formal recruitment methods do not apply. Counties are wholly exempted from the state civil service law as administered by the State Civil Service Commission on behalf of the commonwealth, thirty-nine cities, and numerous towns; and where informal methods obtain, it is idle to look for refinement in procedural details.

A FEW FUNCTIONAL ISSUES

Additional evidence of a county problem may be found in the line activities.

County jails and houses of correction are a usual starting point. Sheriffs have controlled these institutions since 1699, and their tenure is unshaken. A blistering attack on their methods in 1921 and the years immediately following dissolved in irrelevancies, but apparently brought beneficial results in the more prominent and elementary phases of management, such as good order, cleanliness, and diet. At present interest centers in less dramatic features of prison administration: provision for productive industries, educational and religious instruction, exercise, social welfare work, and the proper segregation and classification of prisoners.

County training schools are a source of concern. Of the four that remain, two are minute and their days may be numbered. Not long ago the commissioners of two counties which jointly supported a similar enterprise closed its doors. Furthermore, the schools with the larger enrollments will be increasingly hard-driven to justify their existence, in view of changed methods of dealing with school offenders and petty delinquents. County training schools are once more undergoing official examination, in the course of which an attempt may be made to blow new life into these institutions.

County agricultural schools have been remarkably successful

in keeping their troubles, if any, within the family. The same may be said of county aid to agriculture, which follows the well defined path laid out the country over by the federal government.

Less is heard about the county tuberculosis hospitals than about the municipal sanatoria, which are apt to give way to the former. In general, the county sanatoria are modern and large enough to provide adequate facilities. State subventions to towns which support patients in approved tuberculosis hospitals provide an additional compulsion for county sanatoria to live up to standards.

Since the counties do not lay pavements or build roads, their highway program must mystify the ordinary citizen, although boards of selectmen, mayors, and the state department of public works are well acquainted with its peculiar functioning. As matters stand, the counties at best achieve a measure of administrative decentralization and furnish an intermediate area for raising highway funds.

There would be clamor if the grosser types of inefficiency were permitted in the offices of record. Probably the outstanding issue is to persuade them to adopt, as some already have, modern machine methods of reproducing legal instruments in the interests of economy.

Most serious study of the courts is professional and stems from the judicial council, law schools, and bar association committees, which give less thought to topics that occur first to the lay investigator and place more emphasis upon jurisdictional or procedural questions.

Nevertheless, sooner or later the relationship of the Massachusetts county system to the state's judiciary must be thoroughly canvassed. Closely interlocked with county government are four fundamental questions: court organization, personnel, costs, and accommodations. These issues are intimately related to public contacts with and impressions of the courts, and they merit a place alongside considerations more prominent in the minds of legal reformers.

COUNTY FINANCES

A third line of attack on county government is directed on finance. Total state, county, and local expenditure for all purposes in the commonwealth run above $400,000,000 annually—those of the counties (including Suffolk) to about $15,000,000. Combined state, county, and local funded debt in the commonwealth amount to some $400,000,000—that of the counties (again including Suffolk) to approximately $7,000,000. Clearly, in the aggregate picture, counties occupy a subordinate place.

Moreover, since limited and narrowly fixed functions are involved, the counties have been relatively free from expense arising out of a desire for new or expanded services. Even more important, they have escaped the heavy draft of emergency de-

mands. Cities and towns may be ready to buckle under the relief burden, but the counties can point to a record of stable expenditures.

County budgets balance automatically. Estimated miscellaneous receipts are deducted from total county allowances and the balance levied upon the cities and towns as a county tax. Localities, in turn, raise this county tax by a levy on real and tangible personal property. Counties then collect 100 per cent from the cities and towns, which are left to wrestle with any difficulties resulting from tax delinquency or uncollectible property taxes.

Counties have no power to incur debt, aside from temporary notes for current financing, without special legislative authorization. Furthermore, the objects for which they might want to borrow are mainly restricted to a few institutional needs. At present county debt is decreasing, and a financial issue which might possibly elevate Massachusetts counties to the status of a full-fledged county problem loses its force.

USUAL SOLUTIONS INADEQUATE

On the other hand, numerous considerations urge that there is a county problem in Massachusetts. As long as counties exist in their present form, there will be a governmental void between the state and the localities. County government shows weakness in organization and methods of control. County functions raise unanswered questions of institutional management and reveal some duplication of effort. The county system occupies a key position in controversy over the state judiciary. County expenditures are a relatively small but nevertheless integral segment of the increasingly strained finances of the commonwealth.

After a fashion the problem is being met through step by step improvements at a pace largely regulated by the county officials themselves. To quicken the tempo, various interests have sought a special commission of inquiry. They have gotten nowhere. A biographer of "Old Hickory" says the question arose as to how it came about that General Jackson killed so many Indians. The answer was, "Because he knows how." Friends of county government in or near the legislature know how to kill resolves calling for a county study.

Consequently, attempts have been made to broach the issue in an oblique manner. For more than a decade Massachusetts has witnessed a parade of special commissions charged with the duty of rationalizing taxes and, if humanly possible, of introducing economies. At the depth of the depression one of these perennial bodies took more than a superficial glance at county government. The 1936 commission seemed to content itself by asking county officials if all was well and by recording the affirmative answer. The 1937 commission was given a back-breaking assignment that extended to county affairs as well as a multitude of other subjects. It produced sixteen reports

and left the counties untouched.

One drawback, as anyone who probes Massachusetts county government will discover, is the inadequacy of specifics. After a diagnosis of county ills on approved lines, it is customary to administer such favorite cures as consolidation, the short ballot, reorganization, the county manager plan, and a large dose of state control. Where all hope is lost, abolition is prescribed. To this list, Massachusetts might add a novel remedy—secession: for Nantucket County periodically threatens to withdraw from the commonwealth, if not indeed from the union of states.

Consolidation of the Massachusetts counties, which are populous, comparatively broad in area, and resting on a substantial tax base, is hard to argue.

The county ballot might be shortened. Register of deeds, county treasurer, clerk of the courts, sheriff, and register of probate are ministerial offices which clutter the voter's task. Making them appointive would, it is true, clear the way for reorganization; but this could hardly go beyond a meager reshuffling.

Even under a revised set-up, a county executive would be stumped for lack of real work and a county manager worthy of his hire would be at a loss for enough to manage.

Massachusetts counties are already under considerable state control that reaches not only to the form but also to the substance of county activity.

As a practical matter, of course, the counties would resent abolition. And the materials have not been gathered for building up public sentiment on a scale necessary to overcome their dissidence. The public—including the organized taxpaying section—remains calm, or, more accurately, is diverted by almost continual uproar in the state and municipal spheres. By contrast county officials have an alert community of interest and they know their way around the State House.

CONCLUSION

There seem to be no broad alternatives. Massachusetts has seen fit to deal with its county problem by state controls and piecemeal legislation. County officials, moreover, have been known to see the light unassisted.

Yet better public understanding of the exact proportions of county government and the relationship it bears to both the state and the localities should serve a double purpose. It might increase interest in the now rather obscure county functions and methods of doing county business. It might in addition promote legislation for county improvements.

For the time being a constant effort to strengthen county government stage by stage offers the best prospect. For the long pull it will be necessary first to decide whether there is still a place between the state and the cities and towns for county government and then to establish what it is best fitted to do.

Maine's Unorganized Territory Creates Few Problems

By JOHN W. FLEMING
United States Housing Authority

Nearly nine million acres of wildlands, with no local unit smaller than the county, may prove laboratory in developing substitute for rural municipal government.

ABOUT 40 per cent of the area of Maine has no local government unit smaller than the county. This area is the so-called unorganized territory or wildlands. The existence of such an area, and of similar smaller areas in New Hampshire and Vermont, frequently is not considered when New England is referred to as a stronghold of local government.

The government of Maine's unorganized territory merits particular attention at this time, since it has been expanded recently by the deorganization of a number of municipalities under special acts of the legislature. It is quite possible that the near future will see further such expansion.

Maine's experience with her unorganized territory may provide a nucleus for the development of new administrative and financial arrangements in some of New England's declining rural areas. Such development, by providing a satisfactory substitute for rural municipal government where it is particularly weak, may actually strengthen the institution of local government in New England.

Maine's unorganized territory extends into eleven of the sixteen counties of the state and comprises roughly 8,850,000 acres. The largest single block covers most of the northern half of the state; a second large block is primarily in the southeastern counties of Washington and Hancock. The territory is divided into area units which, for the most part, are called townships and are designated by letters and numbers such as T. No. 4, R. 2, B. K. P., W. K. R.—Township Number 4, Range 2, Bingham's Kennebec Purchase, West of the Kennebec River. In addition to townships, which usually are in the neighborhood of six miles square, the unorganized territory contains various other area units such as strips, patents, gores, etc.[1]

The present population of the unorganized territory is not easily estimated; there is much tran-

[1]As of January 1, 1935, the Maine State Planning Board lists 373 townships, five gores, three surpluses, five strips, one tract, one patent, two grants, and two points.

Taking this Planning Board list as a starting point, the following calculation of the present area units in the unorganized territory is made: 380 townships, five gores, three surpluses, five strips, one tract, one patent, two grants, and two points. This differs from the 1935 Planning Board list through the addition of seven townships, i.e., areas formerly organized but whose deorganization into an unorganized township status became effective in the interim between the Planning Board listing and the present time.

sient occupancy in connection with lumbering operations. It is quite certainly not more than a few thousand persons—not more than 1 per cent of the population of the state, which in 1930 was reported as 797,423.

For purposes of taxation the unorganized territory is valued directly by the Property Division of the State Bureau of Taxation. The December 1936 total state valuation (which is the basis of 1937 and 1938 state and county general property taxes) is $661,209,219, of which $45,783,879 (roughly 7 per cent) is the valuation of taxable property in the then unorganized territory. The 1937 state tax on this valuation is 7.25 mills; the total state levy is $4,793,766—of which $331,933 is on the property of the unorganized territory. The 1937 county rates range from 1.0 to 3.4 mills, totalling $1,320,546, of which $89,994 is levied on properties in the unorganized territory.

In addition to these levies the counties impose special assessments on properties in the unorganized territory in connection with certain road and bridge work; in a sense the townships (and other area units) in the unorganized territory are entities for the apportionment of such assessments.[2]

It is clear that the unorganized area, which is to a large extent in timber, requires only in a limited measure the services which are usually provided in organized places and as a rule is considered an area of state and county administration.

The county commissioners have general jurisdiction over roads in this territory; generally speaking they are charged with the duty of acting as "municipal officers" with respect to these roads.[3] The State Department of Education has in its hands the administration of education in the unorganized territory.[4] Relief, however, is placed by law under the administration of the ". . . overseers of the oldest incorporated adjoining town, or the nearest incorporated town where there is none adjoining. . . ."[5] While it has sometimes been necessary for the State Department of Health

[2]See Rev. Stat. (1930) Ch. 13, Sections 54 through 61. Also see Rev. Stat. (1930) Ch. 27, Sec. 55 and P. L. 1933 Ch. 216. In short, the law provides that the county commissioners shall assess the expenses of making and opening certain roads (in the unorganized territory of the county) upon the lands over which the road is laid and on adjoining townships benefited thereby.

A somewhat similar provision is made for assessment of sums for road repairs, except that here nothing is said about adjoining townships. Further, repairs assessments are to be proportional to valuation, not more than 2 per cent annually, any balance to be assessed on the county.

[3]See Rev. Stat. 1930 Ch. 27, Sec. 55 through 60. Also see P. L. 1933 Ch. 216. In the former reference it is provided that the county commissioners are to act as "municipal officers" of unincorporated places, i.e., for certain purposes set forth in the highway law, and that the word "town" used in the highway law shall include "cities, towns, organized plantations, and unincorporated townships, except as herein otherwise indicated."

[4]See Rev. Stat. 1930 Ch. 19, Sec. 131 through 146, and the Amendments Ch. 100, P. L. 1933 and Ch. 209, P. L. 1937.

[5]See Rev. Stat. 1930 Ch. 33, Sec. 22.

and Welfare to undertake direct administration of assistance to persons in distress, clearly the statutes give overseers of towns which happen to be situated in a particular manner with relation to persons in distress an authority extending into a portion of the unorganized territory.

POLL TAXES AND VOTING

A further example of how local officials of organized places may exercise certain authority of local government with respect to unorganized territory is provided in a 1937 statute which requires the state tax assessor to procure an enumeration of persons twenty-one or more years of age resident in the unorganized territory, and to assess a poll tax on such of these residents who are required by law to pay it.[6] The statute further stipulates that persons legally entitled to vote may do so in an adjacent town. Any qualified voter in a remote section of the unorganized territory may secure from the secretary of state, upon application in writing, a designation of a town in which he or she may vote.

The law provides that "the poll taxes paid by electors in unorganized territory who register in a town as voters shall be paid by the state tax assessor to such towns . . . and such payment shall be considered an assessment on said electors by said town officials." Further, tax collectors of towns adjacent to the unorganized territory receive automobile excise taxes from persons residing in the unorganized territory, and "such fees shall be for the use of the town in which the tax is paid."[7]

It is apparent that local government functions in this territory are administered under a variety of arrangements—in part by state officials, in part by county officials, and in part by certain town officials.

Reference has been made to the fact that the area units of the unorganized territory, and its inhabitants, bear some of the expenses of services to these respective area units, i.e., certain highway and bridge burdens are assessed to the properties in the areas which are primarily benefited by these improvements, and poll taxes and the administration of the franchise to persons in the unorganized territory are closely connected.

Townships of the unorganized territory are fiscal entities in another sense. Certain funds arising from the sale of timber and grass on reserved (public) lots in a township are held, along with stipulated interest, to build a fund for school purposes in the township area when it becomes organized. If the area is organized as a plantation, the public lots remain, with certain restrictions, under the control of the forest commissioner, and income at a stipulated rate is paid by the state to the plantation; if the area is organized as a town, the

[6]P. L. 1937 Ch. 209.

[7]P. L. 1929 Ch. 305, Sec. 84.

control of the public lots and the fund is turned over to the town to be added to its school funds.

STATE AID UNITS

Finally, the unorganized territory units are grouped on a par with municipalities for the purpose of allocating certain state funds for highway purposes; in other words, they are units in a part of the state-aid framework. The county commissioners in their capacity of "municipal officers" of unorganized territory area units receive such allocations of highway funds.

It is interesting to note that a measure of the state administration of local government functions in the unorganized territory extends to various parts of the organized area of the state. The law provides for coöperation with the United States government to provide elementary school privileges to children residing on United States government properties; this work is supervised by the State Department of Education. In short, as far as the administration of education is concerned, these special areas in organized places appear to be grouped with unorganized territory.

A somewhat different sort of arrangement exists in the case of the Maine Forestry District. This is a special area, organized in 1909 under the supervision of the state forest commissioner, in which an annual tax of 2¼ mills is imposed on the state valuation to finance fire prevention and control. The act creating the district listed certain unorganized territory area units and organized places which were to be included in it. Subsequent statutes have made alterations in this list. In 1913 the legislature provided that any incorporated town or organized plantation adjacent to any part of the forestry district might vote to join it. There are today six plantations and eleven towns which have taken advantage of this authorization.

Although this district has been considered primarily in connection with the unorganized territory, it never has included all of this area. Its jurisdiction is not listed as covering any of the unorganized territory in Knox, Lincoln, or Sagadahoc Counties (4,185 acres). Islands comprise a considerable part of the unorganized territory in these counties; naturally they are not included in the district. It is important to note, however, that the deorganization of municipalities has added to the unorganized territory, without adding to the forestry district; this is a factor which appears to be of growing importance.

LIQUIDATION OF RURAL AREAS

Although a special act of the legislature is necessary in order to accomplish the deorganization of a municipality into unorganized territory, the public laws now contain general provisions for the administration of the liquidation of such municipalities. Under these provisions

such areas may be required to bear certain of the expenses of governmental services to them. Hence such areas may constitute special cases of rudimentary local governments as far as fiscal responsibilities are concerned although they may also be areas in which special direct state administration operates.

The 1937 legislature, in its "Act Relating to the Termination of Organization of Towns and Plantations," provided that ". . . whenever the organization of any town or plantation has been terminated by act of the legislature, the powers, duties, and obligations relating to the affairs of said town or plantation shall be vested in the state tax assessor, until such time as said town or plantation is reorganized. Said state tax assessor shall have the power and authority to assess taxes at any time after the act terminating the organization of the town or plantation becomes operative, by making assessment once a year for two years under the laws now relating to the assessment of taxes in towns by assessors. Said state tax assessor shall have the same power and authority which tax collectors now have to enforce the collection of said taxes in any manner now provided by law."[8]

All moneys received from this assessment and collection are applied to the payment of: (1) Necessary expenses of the state tax assessor in making such assessment and collection; (2) Any outstanding obligations of said town or plantation; and (3) Expenses of completing any public works of said town or plantation already begun.

The act exempts the deorganized place and its property from the enforcement of creditors' claims for a period of two years after the termination of the town or plantation organization in question becomes effective—except where such actions are, in the opinion of the state tax assessor, necessary to carry out the other provisions of this law. The act then provides that ". . . during the period of control by the state tax assessor, the statute of limitations shall not run on any obligations of the town or plantation so deorganized."

STATE CONTROL OF FINANCES

A second and broader act providing for the exercise of local government functions by a state agency in certain areas of the unorganized territory was also passed by the 1937 legislature—the Emergency Municipal Finance Board Act.[9] This act appears to authorize complete control of certain municipalities by the board, and includes a statement that: ". . . This act shall apply to any towns or plantations that may be or may have been deorganized by act of the legislature." While the full meaning of the act is somewhat in doubt,

[8]P. L. 1937 Ch. 73.

[9]P. L. 1937 Ch. 233. For a discussion of this board see the NATIONAL MUNICIPAL REVIEW, March 1938.

it appears to include all of the authority for the liquidation of affairs of deorganized places which the 1937 legislature previously had provided in the "Act Relating to the Termination of Organization of Towns and Plantations."[10] It also appears to include the authority for special taxation to finance school services in certain places formerly organized which was provided in 1933 in "An Act Relating to Schools in Plantations and Unorganized Territory."[11]

Clearly Maine's unorganized territory is governed under a quite unrelated set of statutes. State agencies, county governments, and municipal governments are all involved in carrying out local government functions in the unorganized territory, and yet its area units may in some degree be regarded as local government entities. Nevertheless, this mixture of government seems to work surprisingly well. It appears to have the coöperation of the lumber companies, even to the extent of effecting a kind of voluntary zoning whereby the companies try to avoid establishing isolated settlements which might entail considerable additional expense for the State Department of Education. Further, the public roads problem in the territory is mitigated by the fact that numerous private ways help to serve the transportation needs of the area.

It is important to note, however, that the unorganized territory as a whole is not a legal entity; it is merely the area in the state which is not covered by organized municipalities. Hence, for purposes of general property taxation the properties in the territory are merely valued as a part of the state valuation, which is the base of the state property tax and which, in the counties, is the base of county property taxes.

Properties in unorganized ter-

(Continued on Page 237)

[10]It may be noted that in this act the authority for liquidation is placed in the hands of the state tax assessor, whereas the broader authority for liquidation provided in the Emergency Municipal Finance Board Act is placed in the hands of the board, of which the state tax assessor is a member.

[11]P. L. 1933 Ch. 100. This act applies ". . . whenever there are two hundred or more persons of all ages resident of an unorganized unit which was formerly a town or plantation, on April 1st of any year. . . ." In such circumstances, the total cost of school privileges provided to such area unit (under Rev. Stat. 1930 Sec. 133-137) for the school year ending the following June 30th (together with an additional charge of 5 per cent for administration, but with a deduction of the amount of interest on reserved lands of such unit, if any, in said school year, and a deduction of the amount such unit would receive from the state under Rev. Stat. 1930 Ch. 19 Sec. 206-210) shall be assessed upon the property of said unorganized unit by the State Bureau of Taxation and added to the state tax for said year.

It is interesting to note that a number of the early acts, pursuant to which municipalities were deorganized, made special provision for the administration of liquidation. In some cases this was done by providing that the municipal organization should be continued for purposes of liquidation; in other cases the county commissioners were given special jurisdiction for such purposes. Some of these acts provided that unexpended school funds should be turned over to state school authorities to be expended for specified school purposes.

Michigan Surveys Its State Government

Committee on Reform and Modernization of Government submits report to Governor with request that a further study be made of need for reorganization.

ARTHUR W. BROMAGE
University of Michigan

ON AUGUST 17, 1938, Governor Frank Murphy of Michigan created under authority of Act 195 of 1931 a Commission on Reform and Modernization of Government. The executive order provided: "The said commission is hereby authorized and it shall be its duty to make a study of means and methods whereby changes may be made in the procedure and structure of the state government that will provide greater efficiency and economy in the conduct of public affairs, improve the quality of the public service, and make the government more responsive to the public needs."

To the commission the Governor appointed a representative group of some eighty-seven members. He designated the Honorable Joseph R. Hayden, former vice-governor of the Philippine Islands and head of the political science department of the University of Michigan, to act as chairman.

The commission held its first meeting in Lansing on October 13, 1938. At that meeting the author of this note was elected secretary. Chairman Hayden made an extended statement to the commissioners pointing out numerous reforms in other states with reference to state legislatures, judicial administration, and administrative organization. The commission directed the chairman to appoint an executive committee. This executive committee served as an active working unit within the commission. In addition to the chairman and secretary, the committee included Mrs. Julius Amberg, Grand Rapids, former president of the Michigan League of Women Voters; John H. Brennan, Detroit, deputy attorney-general; Senator Earnest C. Brooks, Holland; Edward G. Kemp, Lansing, legal advisor to Governor Murphy; Chester F. Miller, Saginaw, Saginaw superintendent of schools; Representative Joseph C. Murphy, Detroit; George A. Osborn, Sault Ste. Marie, publisher; Samuel D. Pepper, Port Huron, city attorney; Claude H. Stevens, Detroit, former state senator; Representative M. Clyde Stout, Ionia; Lent D. Upson, Detroit, director of the Detroit Bureau of Governmental Research; and Edward H. Williams, Wayne County auditor.

Throughout its work the executive committee was guided by a statement made by the Governor to the commission on October 13th. In his instructions the Governor said: "Because of the fact that your proposals may be far-reaching, it may be found desirable to make a preliminary report in the near future covering a brief survey of the governmental picture. With such a report outlining the possible scope of such an inquiry, stating informal conclusions with respect to the need of comprehensive reform and special authorization by the legislature, the work of the commission could then be placed on a more permanent and solid basis with adequate support."

The report prepared by the committee was preliminary in nature, stated the need of governmental reforms, and suggested means and methods by which these reforms might be effected.

Members of the executive committee were asked to prepare drafts on topics with reference to which they had special competence. In addition, certain members of the commission and citizens possessing specialized knowledge were asked to prepare other drafts. Early in December the executive committee held a meeting at which a number of these drafts were con-

sidered. Some of them were approved in whole or in part; others were rejected. The executive committee then appointed a drafting committee to put the preliminary report in order. With a number of amendments this report was approved by the commission on December 20, 1938.

The preliminary report is brief and is divided into the following sections: introduction, elections and political parties, the legislature, the executive, the judiciary, and proposal of a commission of inquiry. The conclusion of the commission is that state government in Michigan is not organized as well as it might be for efficient and economical performance of the services demanded of it. It is not sufficiently simple in structure and operation to be effectively responsive to the public will.

Therefore, the Commission on Reform and Modernization of Government recommended that the legislature establish by law a commission of inquiry into state government and administration and appropriate adequate funds for its work. It was estimated that a period of twelve to fifteen months would be required for the work of such a commission. On that basis it was urged that the commission of inquiry be required to report to the Governor on or before December 1, 1940. Thus, its recommendations would be available for the legislative session of 1941. The commission also pointed out that the question of a call for a constitutional convention must, under the constitution of Michigan, be submitted to the electorate in 1942. If such a convention were to be called, the work of the commission of inquiry would be of great value to the delegates. Should a convention not be called, the work of the commission would have prepared the way for modernization of state government through legislative action and specific constitutional amendments.

The report of the Commission on Reform and Modernization deals with problems that should be thoroughly reviewed by the statutory commission. Michigan has a very complicated electoral machinery. The people are called upon to vote at least twice a year for a long list of candidates running for some twenty-five different offices on three levels of government. They must vote not only for policy-determining officers but also for important administrative department heads. They must also pass upon constitutional amendments and, occasionally, upon statutes. Some of the results of this system are obvious. Popular participation in many elections is low. The vote for candidates for lesser offices is small in relation to the vote cast for candidates for more important offices. In addition, Michigan has a very complicated party system. The delegates to the state conventions in the odd-numbered years are chosen by county convention delegates elected in the primaries of the preceding fall. In fact, the whole party system is so complicated and obscure that only the seasoned politician can operate it.

The commission recommended that detailed consideration be given to the following matters: (1) short ballot; (2) frequency of elections; (3) reorganization of party machinery; (4) improvement of the initiative and referendum by eliminating the printing of entire measures on the ballot and by increasing the information available to the public on referenda; (5) readjustment of the administration of elections so as to make the Secretary of State the real, controlling election officer; and (6) compilation of the laws dealing with elections and political parties in one code.

As to the legislature the commission indicated that a minority of voters in the state elected a majority of the representatives. To remedy this condition the state should be reapportioned taking both population and area as basic factors. One of the most serious problems is the single-district plan for cities required by the constitution. Detroit, for example, elects a block of seventeen members of the lower house. This single-district plan has de-

prived the minority party in Detroit of any representation in the lower house. Again, the commission recommended consideration of the unicameral legislature and proportional representation. While the adoption of these principles would constitute major changes for Michigan—a state which has been inherently conservative—nevertheless, they could not be properly omitted from any survey of trends in state and local government.

Speaking of deficiencies in the law-making process, the commission asked for a review of the following points: the provision of an adequate salary for legislators; the establishment of annual sessions and of procedures designed to effect a better distribution of legislative activity throughout the session and reduce the number of bills passed during the few days immediately preceding adjournment; the use of joint committees; the organization and reporting of conference committees; the creation of a special calendar for gubernatorial and departmental bills; the setting up of an efficient fact-finding body under the control of the legislature, or the reorganization of the existing legislative council along these lines; and the establishment by law of an adequate legislative reference bureau and bill-drafting service.

As to the executive and general problems of executive organization, the commission considered the following matters to be basic problems in the organization of the state: (1) the practice of electing certain department heads; (2) the inadequate compensation of certain state officials, especially the constitutional officers; (3) the use of boards or commissions to head thirty major and nearly as many minor agencies in state administration; (4) the lack of a group of consolidated, unifunctional departments; (5) the lack of a Governor's cabinet and the use of the present state administrative board as a general supervisory agency; (6) the short terms of elective officials. The report criticized the state administrative board as an organizational unit. This board is made up of elective department heads together with the Governor. These officials are not always of the Governor's own party. The board meets publicly and acts in a more or less perfunctory manner. The real work is done in committee. Many of the Governor's best advisors and closest co-workers are excluded from membership in the state administrative board. Michigan uses the two-year term for the office of governor. It was suggested that a four-year term would be more satisfactory and that such a term should be applied to other major, elective officers.

The report points out with reference to managerial problems that the proposed commission of inquiry should give detailed study to the following matters: "(1) The continuous improvement of personnel administration through civil service and constitutional protection of the principle of the merit system of public employment. (2) The extension and improvement of departmental reporting to the Governor. (3) The creation of a central department of taxation to remedy the existing diversification of tax and revenue-collecting agencies. It is possible, however, that desirable exceptions might be made to the authority of such a unitary agency. (4) The establishment of a department of finance directly responsible to the Governor. To this department might be assigned the functions of budgeting, accounting, controlling, and purchasing. This consolidation would make possible the elimination of the existing confusion and duplication of fiscal controls among a number of administrative agencies." Finally, the commission underscored the very serious lack of a post-audit in state government in Michigan.

As to the judiciary, the commission stated that progress had been made in recent years in the codification of criminal law and in the revision of civil procedure. On the other hand there has been no change in the selection of circuit judges by

partisan primaries and elections. In 1934 the people of Michigan defeated a constitutional amendment for nonpartisan judicial elections. In 1938 they defeated an amendment for the appointment of Supreme Court judges. The existing method of electing judges produces an acute problem in Wayne County (Detroit). For example, in the 1935 spring election there were 181 candidates on the Democratic primary ballot to nominate candidates for eighteen circuit court judgeships. It was maintained that the commission of inquiry should study methods of selection in other states and that it should be possible to provide in Michigan for a plan or plans which would be more satisfactory than the present, partisan method of electing judges.

The strategy of recommending a commission of inquiry and suggesting problems for review by such a body was logical in view of Governor Murphy's explicit instructions to the Commission on Reform and Modernization of Government. Such tactics were made all but inevitable by the defeat of Governor Murphy in his campaign for re-election. The legislature of Michigan and Governor Fitzgerald now hold the keys to future development. They can attack the problem by creating a commission of inquiry or by attempting at once to formulate some of the suggestions as statutes or as proposed constitutional amendments; they can allow matters to drift—a policy which might lead to popular support for the call of a constitutional convention through the referendum on that question in November 1942.

MAINE'S UNORGANIZED TERRITORY

(Continued from Page 233)

ritory bear the general state and county property levies; properties in organized places bear the municipal property tax levy, which includes the state and county levies. Hence property taxation in the unorganized territory is a by-product of state-wide and county-wide taxation; there are no independent criteria to determine the taxation of the vast forest resources of the unorganized territory.

Possibly the fiscal problems of government in Maine, along with the geographical expansion of the unorganized territory to include more populated areas, will stimulate suggestions for the organization of a territorial government under the jurisdiction of the state. Such a development would encounter opposition, but it offers a challenging opportunity for pioneering in government.

Melbourne Modifies Its Century-old Government

Changes in charter of 1842 cover composition of council and qualifications of voters, as well as ceremonial customs and uniforms.

By F. A. BLAND
University of Sydney

ALL the capital cities in Australia are governed by statutes which differ in many respects from the general local government code which applies elsewhere throughout the several states. In recent years there has been a tendency to remove these distinctions, but the fact that more than half the population of the commonwealth is concentrated in the capital cities has both justified the differentiation and created obstacles to unified treatment.

Except in Brisbane, the capital of Queensland, and Newcastle,[1] the second city of New South Wales, there is no unified metropolitan government, as in London and New York. Inside the conurbations of Sydney, capital of New South Wales, and Melbourne, capital of Victoria, for example, there is a small area controlled by a city council, analogous to the city of London inside Greater London. These councils have their own charters obtained nearly a hundred years ago, long before there was any general system of local government for the rest of the states, and were modeled on lines similar to those drawn by the 1835 Municipal Corporations Act in England. Sydney's charter was fundamentally changed in 1857 after the abolition of its first city commission, but Melbourne's charter remained substantially in the form in which it was granted in 1842. The distinctive features of this charter relate to the composition of the city council, the property qualifications of electors, the powers of the council, and a ritual associated with certain ceremonial customs and picturesque uniforms.

Customs have frequently caused derision because of their manifest inappropriateness to modern conditions, and costumes because of their unsuitability to the Australian climate. Illustrating an outworn custom was the ritual associated with the annual election of the Lord Mayor. The ballot remained open for an hour, the time taken for a candle lighted by the senior alderman to burn out. The intention was to avoid a snap election, for it allowed sufficient time during which a fleet horseman might ride to the city hall from the furthest "metes and bounds" of the city. This ceremony was conducted for the last time during October 1938 when the Lord Mayor of Melbourne was chosen for 1939, for an amending act has swept away this ritual as well as the office of alderman.

Until this amending act, passed in October 1938, Melbourne was governed by a Lord Mayor, elected annually by and from the twenty-four councillors elected for three years from eight wards, and eight aldermen coöpted by the councillors, one for each ward, for a period of six years. In addition there were two assessors elected for each ward, whose duty it was to act with the alderman of that ward in revising the roll of citizens, and in conducting the election of councillors. To be eligible for election, a substantial property qualification was required, while electors must be adult *occupiers* of a residence or shop of an annual value of £10, or resident *householders* within the city or within seven miles thereof. There was a system of plural voting, with a maximum of three votes enjoyed by owners of properties rated at £100 or upwards.

Reformers attacked the office of alderman as well as the franchise. Elsewhere

[1]See NATIONAL MUNICIPAL REVIEW, February 1939, p. 164.

in Victoria there are no aldermen, and the franchise is enjoyed by all "five-pound" adult occupiers, not owners. The aldermen were resented because they were not "popularly" elected, and because they tended to remain in office for life, although legally they were coöpted for six years. Despite the fact that coöption enables a council to obtain men with special experience and ability, the aldermen were excluded. Henceforth the city council will consist of councillors only, elected for three years.

The franchise presents a perennial political struggle. Labor governments stand for adult franchise, and are opposed to property qualifications whether of candidates or electors. In Victoria there is a Country party government which contains no minister or member representing a constituency within thirty miles of Melbourne. It is kept in office by the Labor party. The government proposed to introduce an occupier franchise which meant handing the city government over to electors consisting of caretakers, hotel- and boarding-house keepers. The owners, whose property provided the basis of the city's revenue, would be disfranchised because they mainly live outside the city's boundaries. As a result of opposition in the Legislative Council [the upper house of the Victorian legislature elected on a property qualification], the government compromised and Parliament finally agreed to an owner-occupier franchise. Owners, whether individuals or corporations, will have one vote for property of an annual value of £50 and a maximum of two votes for property of an annual value of £100 or more.

The present government has tried twice to pass a bill to create a Greater Melbourne, but has been defeated on the issue of the kind of authority and its powers. The agitation rages around the desirability of (1) an elective unitary authority for the whole metropolitan area, (2) an elective authority for metropolitan purposes, with suburban authorities, as in London, and (3) an authority, indirectly elected like the old London Metropolitan Board of Works, with specific metropolitan powers, leaving to the city and suburban local government bodies the ordinary domestic municipal duties. The struggle for Greater Sydney and Greater Melbourne illustrates the extent to which desirable reforms are continually deferred because of the fear of the use to which political labor would put the power it would inevitably obtain on any popularly elected body.

ONE IN EVERY NINE WORKS FOR THE GOVERNMENT

(Continued from Page 212)

able, and scattered. A surprising number of governments apparently keep no consolidated personnel records of any kind.

There is now no single source of comprehensive information on government employment and payrolls from which detailed figures by individual states, cities, and other governmental units are available for analysis. One excellent source gives national estimates by principal types of governmental unit, but no data for individual states or cities. The two other principal sources have published data for individual large cities, but not for other units of government, although the Bureau of the Census has been able to collect quarterly employment data from many states for 1937. It is to be hoped that compilations of detailed data on employment and payrolls for all types of local governments will soon become feasible.

Toledo Seeks Good Councilmen

EDITOR'S NOTE.—Toledo will elect its second council under the city's manager charter next November by proportional representation. The City Manager League, organized to secure and keep good government in Toledo, is now engaged in the task of securing councilmanic candidates worthy of its support. In this connection it has recently passed the following resolution, setting forth the characteristics it considers essential for a member of the city's legislative body.

WHEREAS, The City Manager League of Toledo is a voluntary organization of citizens for the purpose of promoting and supporting honest and humane municipal government in Toledo under the city manager charter; and

WHEREAS, the quality and success of the city government is determined by the character and ability of the members of council;

NOW, THEREFORE, BE IT RESOLVED that any candidate for council, who may be endorsed and supported for election by The City Manager League, shall possess the following qualifications:

First: He shall be honest and honorable in all matters, private and public.

Second: He shall be sincerely devoted to serving the best interests and welfare of the entire city and all the citizens, rather than some group or section.

Third: He shall be an enthusiastic supporter of non-partisan and non-patronage council-manager government, in which the council determines policies and enacts legislation, and delegates the administration to the city manager and his appointees, chosen only on basis of merit.

Fourth: He shall be unqualifiedly committed to the principle of "Equal rights for all and special privileges for none."

Fifth: He shall actively support the principles of civil service and its administration to the end that favoritism of every kind may be eliminated and the selection, promotion, and retention of city employees may be determined solely upon the basis of merit and ability.

Sixth: He shall devote sufficient time to his duties as councilman to become acquainted with the affairs and business of the city government so that he may exercise an intelligent and independent judgment in the consideration of its problems and policies.

Seventh: He shall coöperate in the formulation and execution of a long range plan for public improvements and services, designed to provide the greatest possible benefits for all the citizens.

Eighth: He shall at all times insist upon the strict enforcement of law, without favor or discrimination, to the end that crime and vice may be reduced to a minimum.

Ninth: Finally, he shall possess sound judgment and ability, be independent in thought and action yet open-minded and considerate, free from any selfish influence, have courage to fight for right and principle, and be willing to coöperate with others to serve all the people at all times.

Milwaukee Research Bureau Investigates a Grab Bag

Finds Disposition of Highway Funds Is a Governmental Shell-game

Relief the Same the Continent Over, Toronto Research Report Shows

KITING checks and borrowing from Peter to pay Paul are financial exercises probably not commonly indulged in by the American electorate, which has been largely subjected to Puritan-tinged public education. That is why the seventeen mimeographed pages issued in January 1939 by the **Citizens' Bureau of Milwaukee** and titled *Highway Legislation Recommended to Increase Milwaukee's Return of Automobile License Fees and Gasoline Taxes Paid* should provide an interesting and amusing half-hour for many members of that electorate.

For the Milwaukee bureau's excursions into the mysteries of the disposition of vehicle and gasoline taxes and highway funds illustrates the Peter-Paul type of governmental financial transaction in its most ludicrous and complicated form. The combination doughnut and pie graph which adorns the cover of the report merely sums up the situation. "For Each $ Milwaukee Pays," runs the legend, "Milwaukee Gets Back 36c and the State Keeps 64c." But that, as the succeeding pages of graphs, tables, and text show, is not the half of it. Complicated tax collection and population formulas, federal-aid requirements, legal exigencies—it would not be surprising to discover that sun spots have something to do with it, too—conspire to send highway funds where, the Milwaukee bureau holds, they should not fairly be. The bureau thinks that Milwaukee's towns, cities, villages, and county board should receive at least $2,000,000 additional automobile revenues, and computes that not only would it then be receiving back fifty-three cents for every dollar paid out, but would also add at least $500,000 more to the local highway funds, since the additional revenue would enable it to match federal-aid highway funds.

It may be that the Milwaukee attitude is selfish, that Milwaukee should be glad to share the highway wealth with less well padded parts of Wisconsin. In that controversy there is no point in mixing.

But the whole matter brings out, with the clarity of a jig-saw puzzle, why few of our simple-minded, public school educated citizens can understand the tax and revenue situation. Funds travel a devious route indeed, in transit from taxpayer's pocket to taxpayer's backyard. No wonder the ordinary citizen thinks that state aid or federal aid is a Christmas present!

Relief Speaks the King's English Too

To those who feel, perhaps a little resentfully, that by virtue of the colder northern air or some other cultural astringent, Canadian local government is less beset by ills than local government in the States, White Paper No. 237 (January 24, 1939) of the **Toronto Bureau of Municipal Research** should bring a perverted kind of cheer. The leaflet entitled *"Relief" Story No. 1* is to the point and not a little bitter.

"Direct unemployment relief has appeared in Toronto's civic accounts every year since 1920. The city's share has, since 1920 at least, increased from about $23,000 to about $2,800,000. It will be with us in 1950. The amount depends largely on what is done in the near future by the three levels of government in which the citizens and taxpayers of Toronto are, viz., the dominion, the province, and the city."

Sounds familiar? But read on.

"It is fairly evident that in Toronto at least the problem of unemployment is far from solved. It is admitted by most that a local solution is impossible. It is a

nation-wide problem and demands a national solution."

It will come as a relief to some chronically apprehensive citizens of the United States that the Toronto bureau does not contemplate asking Washington for a handout but is, instead, looking to Ottawa. The bureau repeats its recommendation of 1935 that "unemployment relief [apparently this is equivalent to relief for employables] be transferred bodily to the national-provincial field; and chronic relief be retained by municipal authorities."

Resemblances do not cease at that point. Four new bureau recommendations stress that (1) relief recipients should render municipal work in exchange for aid; (2) relief costs should be budgeted in the current municipal budget and thus, even if the money were borrowed, "the amount borrowed from current relief would be the amount of the current deficit . . . [thus] the annual deficit would [be] staring the taxpayers and citizens in the face and policies which should have been adopted could not so easily have been side-stepped"; (3) a larger share of current relief costs should be paid out of current revenues; (4) administration should be made more efficient.

The Toronto bureau's relief series begins at a time when a similar series (whose initiation was discussed last month in these pages) by the **New Orleans Bureau of Governmental Research** is drawing to a close. Here are some of the bureau's final conclusions, as stated in its bulletin of February 6th.

> The state has taken over the administration of most of the direct relief activities in Louisiana with consequent puzzling problems of state-parish relationships, such as state-wide relief standards, personnel management, and fiscal control.
>
> Improved personnel administration of state and local welfare employees is a major need.
>
> Earmarking specific taxes for relief is seriously open to question. Improved financial plans as to revenues, budgeting, and control are needed.
>
> Rehabilitation of recipients of relief to a point of self-support should have increasing emphasis.
>
> City "alimony," or grants to private charity agencies, should be put on a more business-like basis.

A footnote to the latest research bureau relief findings is provided by the **Buffalo Municipal Research Bureau** in its *Just a Moment* for January 19th. The bureau says that tax laws will force the county and the city eventually to budget in the current tax levy the entire cost of relief, although at present only 20 per cent of the net cost of relief is budgeted in the county levy. As an "out" for local taxpayers, the Buffalo bureau indicates, the state is being urged to assume relief costs, to be financed either by a state sales tax solely for relief purposes or by an increase in income taxes through the lowering of exemptions. "Either," says the bureau, "would be unpopular but preferable to an increased burden on real estate."

Portrait of a Government

Rhode Island has just joined the states with "reorganized" government and the **Providence Bureau** follows up with a chart "Showing Functions by Departments as Provided By the Administrative Act of 1939." The visual-minded citizen who is awed, frightened, or depressed by the formidable titles of governmental departments may have government brought a little closer to him by the bureau's thoughtful picture. In addition to being easy to look at, the chart shows summarily what every department does. It is the sort of thing some practical people like to frame and hang on an office wall.

Recent News Reviewed

State Legislatures Consider Vital Problems

Administrative Reorganization in Rhode Island, Tennessee, and Alabama

School for Legislators Proves Success

By H. M. OLMSTED

Rhode Island Governor Signs Reorganization Bill

On February 7th Governor William H. Vanderbilt of Rhode Island signed the reorganization bill for that state, and issued an executive order postponing the actual transfer of functions between the various agencies until the reorganization can be put into effect and retaining all present department heads until replaced.

According to the Providence Governmental Research Bureau the apparent primary purpose of the measure is the elimination of rigid departmental organization established by the reorganization bill of 1935. Elasticity is obtained in the new act by giving department heads, with the approval of the Governor, the right to organize the internal administrative machinery in such manner as seems expedient and efficient.

The next most important provision is assumed to be the unification in one department of the functions of assessing and collecting taxes, the budgeting and accounting of all funds, and the purchasing of all supplies. Relief administration has also been centralized in the Welfare Department.

Tennessee State Administrative Organization Changed

The General Assembly of Tennessee has acted favorably upon measures sponsored by Governor Prentice Cooper that revise the state administrative organization in several particulars. The reorganization effected in 1937 under Governor Gordon Browning has been described in the July 1937 issue of this REVIEW and by A. E. Buck in *The Reorganization of State Governments in the United States.*[1]

The first major change is the division of the former Department of Welfare and Institutions into the Department of Institutions and the Department of Welfare. The second important feature is the abolition of the former Department of Administration. The former divisions of that department, namely, budget, accounts, personnel, purchasing, and safety (highway patrol), are retained as departments or bureaus headed by directors who are responsible to the Governor. The disposition of the former local finance division is not clear from press releases; it had been relatively inactive under Governor Browning's administration, however.

[1]New York City, Columbia University Press, 1938.

The Bureau of Public Buildings is said to be directly under the supervision of the governor in the new organization.

The state merit system is affected also by the delegation of authority to the Governor to control the appointments, dismissals, and salaries of all statutory officers and employees. Under the previous personnel statutes, employees were removable by the department heads, and salary changes were subject to the approval of the personnel and budget divisions. Since the first of the year recruitment examinations have been given for several positions in the Unemployment Compensation Division of the Labor Department, and for some three hundred posts in the finance department. Governor Cooper has announced his intent to establish a personnel system that will function in the interests of merit and efficiency. According to latest reports, a bill will be introduced to establish a board to administer the state personnel system. It remains to be seen how the proposed board and the present statutory provisions will be coördinated.

LYNDON E. ABBOTT
Tennessee Valley Authority

Arkansas Legislature Goes to School —and Likes It!

When the Arkansas General Assembly convened on January 9th, its new members, most of whom had had no previous legislative experience, were already oriented to its processes and procedures. The new members of the 1939 legislature had the advantages afforded by the second biennial Institute of Legislative Procedure—a school for legislators conducted coöperatively by the University of Arkansas and the General Assembly. This school was held in the capitol building on November 22nd and 23rd last. Of the 135 members of the legislature, ninety-eight attended.

The purpose of this school, which was held for the first time in November 1936, is two-fold: (1) to inform legislators of the constitutional and statutory provisions affecting legislative acts, to enable new members to draft their bills in proper form; (2) to explain how a legislator may introduce his bill, secure its consideration before a committee, bring it back before the house, and obtain a final vote on his measure. Problems of parliamentary procedure are thoroughly discussed. Each legislator is given a manual, prepared by the parliamentarian of the House, explaining the rules of both chambers. No discussion is permitted of any issue or matters other than those pertaining to the organization and procedure of the legislature.

The "faculty" of the institute consists of seven veteran legislators headed by a member of the university staff acting as director. The school is conducted in mock legislative sessions, the seven veteran legislators carrying on the procedure, pausing at intervals for explanatory remarks.

Considering the fact that fifty-four members of the House of the 1939 General Assembly had not had any previous legislative experience, the value of the institute becomes immediately apparent. As evinced by their attendance the school is extremely popular with the old-timers of the legislature as well as the neophytes. Older members have an opportunity to refresh their own memories on procedure. Perhaps even more appealing to them is the chance for "pre-session" conferences to secure places on important committees and jobs for constituents as employees of the legislature.

HENRY A. RITGEROD
Bureau of Municipal Research
University of Arkansas

Home Rule Legislation for New York

In order to make operative the home rule amendment to the New York State constitution, adopted at the November election, proposed legislation has been introduced in the New York legislature which seeks to enlarge the self-governing powers of cities, to prevent the enactment of

special state laws affecting the affairs of cities except upon official request of the local governments, and to enable the cities to get relief from special mandatory laws passed since 1923 by the legislature.

Majority of Governors Speak for Civil Service

According to a check-up by the National League of Women Voters, more than half of the governors in the forty-three states where legislatures are in session commended the merit system in their inaugural addresses or opening messages to the legislatures. Twenty-three spoke in its favor in terms ranging from "the cornerstone of our administration" to "a state police system on a merit basis"; four made no specific mention but included the merit system by inference or reference to party platforms. Thirteen of those giving definite recommendation were Democrats, out of twenty-three Democratic governors of states where legislatures are in session; ten were Republicans, out of eighteen of that party.

The survey by the league was to help provide a factual background for a "Circuit Riding for Civil Service" tour in Oklahoma, Kansas, Colorado, Minnesota, Michigan, and Tennessee starting February 14th and ending March 2nd.

Legislative Employees Placed in Merit System

Action by the Minnesota House of Representatives to put its employees under the merit system marked the first civil service legislation of 1939, according to the Civil Service Assembly of the United States and Canada. Qualifications are to be ascertained by examination. More than ninety employees are included in the order. Most states with civil service laws exempt legislative employees, according to the assembly. Wisconsin, however, has for several years applied the merit system to clerical forces in the state legislature.

Idaho Moves Toward Merit System

The first step toward the merit system in state affairs was taken in Idaho in the adoption by initiative last November of a law providing for an efficient game department. Moreover, Governor Bottolfsen has publicly favored a general state merit system and, although sentiment is divided, an advance in that direction by the legislature is hoped for.

Civil Service Setback in Arkansas

The recent repeal of the state civil service law in Arkansas was caused, according to John N. Heiskell, editor of the *Arkansas Gazette*, writing in the Civil Service Assembly *News Letter* for February, by (1) blanketing in of existing employees and the failure of the legislature to provide funds for determining their merit ratings; (2) patronage desired by legislators; (3) too many appointments from Little Rock and vicinity (due to lack of funds for examinations elsewhere); and (4) lack of exertion by Governor Bailey to save the law which he had advocated.

State Administrative Reorganization Proposed for Alabama

Culminating several months of intensive investigation, Governor Frank M. Dixon, in his first message to the legislature on January 17, 1939, proposed a thorough reorganization of the state administrative machinery. Noting that a study of the administrative setup in Alabama revealed some 115 different boards, bureaus, and agencies, Governor Dixon outlined in some detail his ideas concerning the reshaping of the administrative structure in order to provide efficiency, economy, and improved service.

The principal recommendations are as follows:

1. A state merit system.
2. Substitution for the Tax Commission of a single director to be known as the commissioner of revenue with an increased salary which would permit the employment

of an able man. The Governor estimates that not less than $300,000 per year can be saved through internal administrative reorganization.

3. Replacement of the present three-man Highway Commission with a highway director drawing a salary sufficient to attract a capable person. Expected saving, $300,000.

4. A Department of Finance, headed by a director of finance, with the following divisions: purchases and stores, budgeting, service, control and accounts, and local finance. It is the hope of the Governor that the head of this department will become the chief staff officer.

5. A consolidated Department of Conservation with the following divisions: game, fish, and sea foods; forestry; and state parks, monuments, and historical sites.

6. Combination of the various welfare functions of the state in a Department of Institutions and Public Assistance consisting of the following divisions: public welfare, corrections (prison system), and probation and parole. The Department's director would also serve as a coördinating agent for the several eleemosynary institutions without interfering in their actual management. A Board of Pardon and Parole is proposed which would assume all duties of this nature now performed by the Governor with the exception of the commutation of death sentences.

7. A Department of Industrial Relations comprising the following divisions: unemployment compensation and employment service, workmen's compensation, mediation and conciliation, safety and inspection, and statistics and research. Associated with this department would be a Board of Appeals with the duties of passing finally on proposed safety codes and hearing appeals from rulings of the unemployment compensation office.

8. A Department of Commerce with the following divisions: banking, building and loans, and insurance.

9. A Legislative Council composed of members of the House and Senate which would be charged with the duties of suggesting research studies to the Division of Legislative Service, and preparing a legislative program.

10. A Division of Legislative Service "charged with the duties of studying the operation of our laws, making such other studies as may be demanded, drafting legislation at the request of members of the legislature, and coöperating in every way with the Legislative Council."

11. An appropriation for the State Planning Commission created in 1935 which would permit this agency to assume an active role in the planning field.

12. Legislative reapportionment on the basis of present population. No reapportionment has been made in Alabama since 1901.

Accompanying each proposal Governor Dixon submitted bills which would carry out his recommendations. Since constitutional amendments will be required for some of the changes, the present plan is to provide for a special election to be held in the early part of the present year, following which the legislature will reassemble to act upon such of the constitutional amendments as have been approved at the polls.

The elimination of the spoils system by the creation of a state merit system was the first suggestion made by the incoming governor. The program is now receiving the active attention of the legislature, and there is some justification for the belief that a considerable portion of it will receive legislative approval.

R. Weldon Cooper
University of Alabama

Governmental Progress in Kentucky

Legislative Research Intensified

The staff work of the Kentucky Legislative Council has been reorganized under the leadership of J. E. Reeves, new research

director. The staff is small, and is guided by (a) a desire to coördinate research in state and local government scattered throughout several agencies in the commonwealth; (b) a desire to coördinate state planning and the research work looking toward more immediate legislative changes; and (c) the idea of confining the work done directly by the research staff to fact-finding on projects almost certain to be of significance, irrespective of the political complexion of the next General Assembly.

After operating a few weeks under this plan, it is apparent that the research agencies connected with the state's institutions of higher learning are not only willing but eager to participate in such a plan. Studies made by these agencies which contain legislative recommendations will be submitted to the council. In addition, several of them have expressed willingness to undertake studies recommended by the council, or to advise the staff members or review manuscripts at any time.

Several departments of the state government have also shown an eagerness to participate in such a program. They have submitted lists of research projects, either being worked on at present, or which they would like to see investigated. Coördination of legislative and administrative planning is insured by the action of the Governor in appointing the administrative members of the council's interim committee to the planning committee of his Cabinet. This also insures coöperation between the state planning staff and the council's research staff. It is contemplated that the council will meet in the early spring to designate subjects for investigation by the research staff. Meanwhile, the staff is making contacts throughout the state and preparing a study of county finance.

Personnel Efficiency

The administration of the State Division of Personnel Efficiency in Kentucky appears to have received recent stimulation of considerable importance. One symptom is the completion in a satisfactory manner of examinations for enlargement of the Unemployment Compensation Commission staff to take care of benefit payments. For this purpose an outside chief examiner was brought into the state, and all preliminary planning and examinations were conducted in such manner that there has been no criticism. The administration of the commission's division setup for handling benefit payments has been so effective, largely as a result of the qualifying examinations and the handling of personnel matters generally, that it develops the office is overstaffed.

A second indication of renewed vigor is initiation of a comprehensive re-examination of the classification and of the examination procedures. After finishing certain preliminary work, the director of the Division of Personnel Efficiency with the coöperation of the Department of Revenue is attacking that department's personnel as its first step in reclassification, largely because the Department of Revenue has changed to a larger extent than have other departments since the original classification nearly two years ago.

Municipal Civil Service

Significant among current developments in Kentucky municipal government is the present accelerated interest in comprehensive civil service and pensions for municipal employees. Until recently Louisville, Covington, Lexington, Paducah, Ashland, Newport, and Owensboro were the only cities with any provision for a merit system; and in each instance, with the exception of Louisville, the local civil service measures applied only to employees of the police and fire departments. Pursuant to enabling legislation enacted during the 1938 session of the General Assembly, Lexington and Covington have passed ordinances which extend civil service to all city employees and provide for actu-

arially sound pension systems. The classified service, as provided by each of these ordinances, includes all non-elective employees, officers, and department heads except the city manager, employees of appointive boards and commissions, city physicians, and those persons regularly employed for nine months or less during the year. The pension systems provide for ordinary disability retirement, accidental disability retirement, and death benefits.

A similar measure is being prepared for the city of Bowling Green; and the matter is being given serious consideration at Corbin, Frankfort, Henderson, and Newport.

James W. Martin
Commissioner of Revenue, Kentucky

Tennessee Municipal Housing Authority Statute Held Constitutional

Tennessee's municipal housing authority act, passed by the General Assembly in 1935 and amended in 1937, was held constitutional by the State Supreme Court in a declaratory judgment. The Knoxville Housing Authority brought suit against the city of Knoxville to determine its legal status. The state enabling statute provides that cities may establish a housing authority with power to investigate housing conditions, to clear slum areas, and to erect and operate housing projects for low income groups. The housing authority may issue bonds and exercise the power of eminent domain.

The court declared that slum clearance is a public purpose because of its direct connection with the health, morals, and general welfare of the citizenry. It stated: "The conception of a public purpose must necessarily broaden as the functions of government continue to expand." The feature of the law exempting the bonds and property of the housing authority from taxation was deemed proper because the authority is an agent of the city that creates it, and the property therefore belongs to the city. The court also found that the discretion granted the authority in determining the type and extent of projects is not a delegation of legislative power in the sense prohibited by the state constitution.

Lyndon E. Abbott
Tennessee Valley Authority

Nine New Cities Secure Manager Government

The amendment to the **Knoxville, Tennessee,** city charter, restoring the manager plan of government, has now been passed by the legislature and signed by the Governor. Under its terms the manager plan will again go into effect on January 1, 1940.[1] The legislature has also passed a bill providing the manager plan for **Johnson City, Tennessee.**

Greendale, Wisconsin, the federal government's model community not far from Milwaukee, voted on February 25th to adopt the manager plan of government.

Houlton, Maine, on March 2nd, ratified a manager charter previously approved by the legislature. The vote was 995 to 500.

Abilene, Kansas, adopted a manager plan charter on March 1st by a vote of 1001 to 682.

Sioux City, Iowa, also voting on March 1st, defeated a proposed manager charter.

The city council of **Fort Collins, Colorado,** has recently passed an ordinance providing for a city manager, to take over his duties on March 1st.

The city council of **Harrisonburg, Virginia,** has voted to establish a city manager (by an ordinance to be drafted and adopted in the near future) who will have charge of the finance, electric, water, street, welfare, sanitation, fire, and real estate departments, and will also act as pur-

[1] See "Tennessee Legislature Destroys Knoxville's Council-Manager Government," National Municipal Review, December 1937, page 362.

chasing agent. He will be responsible to the mayor and city council. The chief of police, as head of the ninth department, will likewise be responsible to the mayor and council. The manager plan is in accordance with a report of Mayor Ward Swank's special committee on municipal affairs. The council also created the office of city clerk-auditor, who will be in charge of a new system of cost-accounting, bookkeeping, and billing installed under the supervision of the state auditor of public accounts.

In **North Muskegon, Michigan,** a "city superintendent" recently was appointed; he holds the titles of police chief and fire chief and is also head of the water, sewer, and street departments, and purchasing agent as well. The appointee is a former alderman.

The council of **Hearne, Texas,** on January 9th passed an ordinance creating a modified form of manager government. The manager does not have full administrative powers, however.

At the insistence of Mayor Fletcher Bowron of **Los Angeles, California,** the city council on February 6th voted ten to four to create the post of "assistant mayor," and appointed Arlin E. Stockburger, state finance director under ex-Governor Merriam, for a six-months period. His task is reported to be the reduction of the city's governmental costs by one million dollars annually. Opponents charged that the action taken was the first move to change over to the city manager plan.

The council of **Seaford, Delaware,** has voted to revise the charter to provide city manager government. When completed it will be presented to the Delaware legislature for approval.

Duluth, Minnesota, will vote on a council-manager charter at the general city election on April 4th; if adopted, the election of councilmen will probably take place in June, and officials chosen on April 4th will serve only until the new council is elected. The proposed charter provides for a council of nine instead of the present commission of five. Four members would be elected at large, and one from each of five wards.

Davison, Michigan, will vote on the adoption of a charter containing provision for a manager (to be known as city superintendent) March 13th; **Midland** and **Allegan, Michigan,** will vote April 3rd on the election of a charter commission. **Clarksburg, West Virginia,** will hold a similar election April 18th.

In **South Euclid, Ohio,** the effort to continue the mayor plan of government when South Euclid becomes a city in 1940 received a setback when the charter commission, sitting as a committee of the whole, voted nine to four to recommend adoption of the manager plan. The charter will be submitted to the voters in May.

Five bills sponsored by the Chicago City Manager Committee were introduced in the **Illinois** House of Representatives February 7th by two Chicago members, James W. Linn, Democrat, and David I. Swanson, Republican, and by W. O. Edwards of Danville, Democrat, and Frederick W. Rennick of Buda, Republican. They would enable any city to adopt the manager plan and proportional representation and are substantially the same as the bills that were defeated in 1937 and 1938, except in three respects: (1) for cities with more than 500,000 population (i.e., Chicago) the number of councilmen is increased from nine to eleven; (2) civil service administration is under a personnel director appointed by the manager, but there is also created a civil service commission consisting of the personnel director and two members appointed by the council; (3) initiative and referendum are provided for. The bills are believed to have much better chances of success than heretofore.

The **Colorado** Municipal League is sponsoring two bills which would permit cities to adopt either the commission plan

or the council-manager plan of city government. At present only the mayor and council plan is available to Colorado cities of less than two thousand population, while those of larger size can exercise home rule powers, draft their own charters, and establish any form of government the citizens desire. This is a long, difficult, and expensive procedure, however, as four elections are required. The new bills would permit any city to adopt either of the two plans by a majority vote of the electors.

The city council of **Cumberland, Maryland,** on February 6th by a vote of five to three, went on record as being against the city manager plan, but at the same time unanimously approved Mayor Thomas W. Koon's proposal that the General Assembly be asked to pass a bill permitting the citizens of Cumberland to vote on the plan.

The Chamber of Commerce of **Circleville, Ohio,** has devoted several meetings to discussion of the manager plan. Professor Helms of Ohio State University spoke on the subject. A committee has been appointed to make recommendations.

In **West Springfield, Massachusetts,** a committee is actively at work with the aim of revising the local government to conform with legislative plan "E" (city manager and proportional representation).

An act to establish council-manager government for the town of **Lincoln, Maine,** was introduced in the legislature before the deadline February 3rd. If the plan should be adopted it could take effect in 1940.

A town manager charter for **Caribou, Maine,** has been drafted. A manager charter for **Gardiner, Maine,** is before the state legislature.

A companion proposal to the senate bill providing for the adoption of the city manager plan of government with proportional representation in third class cities in Pennsylvania would widen the scope of the legislation to include the city of **Scranton.**

In **San Antonio, Texas,** a Council-Manager League has been formed, with the purpose of bringing about a charter election on the city manager plan.

Mayor William W. Pratt of **Richland Center, Wisconsin,** is an advocate of the manager plan.

Voters of **Pittsfield, Maine,** on January 6th, rescinded a previous vote to petition the legislature for a town manager charter.

Petitions asking for an election to "test the sense" of the voters on the manager plan have been filed with the city council in **Poplar Bluff, Missouri.** The election has been called for March 15th.

The bill to give **Little Rock** power to frame and adopt a city manager charter, referred to in our last issue, has now been passed by the Arkansas legislature and signed by Governor Bailey.

The **Indiana** legislature has passed the bill, referred to in our last issue, setting up a commission to study the manager plan.

After a stormy session, the common council of **Madison, Wisconsin,** voted against suspension of the rules which would have been necessary in order to vote to submit the manager plan of government to the city at the April 4th election. This means that if the question is to be submitted at that time it will be necessary to file petitions signed by 3,500 voters.

Manager government for **Oregon** counties is proposed in a bill introduced in the lower house of that state by Representatives French, Simon, and Snyder.

A bill making the manager plan optional for **Ohio** counties is now before the legislature of that state.

In **Yonkers, New York,** the American Labor party, which opposed city manager government in the referendum campaign last fall, is reported to be opposed to any

move that will hamper the operation of the new city manager setup.

A petition for a special election on whether to retain or abandon the manager plan in **Webster City, Iowa,** has been rejected by the city council because of an insufficiency of valid signatures.

The Georgia legislature is considering bills to give the manager plan to **Quitman, Athens, and Manchester.**

In **Trenton, New Jersey,** a movement to revert to the old commission form of government has recently been initiated, under the leadership of County Prosecutor Andrew Duch. The group has set up headquarters and is now circulating petitions to obtain the required number of signatures—20 per cent of the registered voters—for a referendum on the question. Trenton has experienced a constantly rising tax rate which, in the popular mind, may be associated with the manager plan.

Other municipalities where interest in the manager plan is being shown include **Pueblo and Golden, Colorado; Laurel, Delaware; Augusta, Georgia; South Braintree and Newton, Massachusetts; Frederick, Maryland; Poughkeepsie, New York; Altoona, Pennsylvania; Atlantic City and Englewood, New Jersey; Cranston, Rhode Island; Bridgeport, Connecticut; Ste. Genevieve, Missouri; and Bar Harbor and Westbrook, Maine.**

Taxation Fellowships

Ten graduate fellowships in the field of taxation and public expenditures are again being offered by the University of Denver under a grant from the Alfred P. Sloan Foundation.

Advanced Police Instruction in Washington and New York

The tenth session of the National Police Academy, lasting twelve weeks, is being conducted in Washington by the Federal Bureau of Investigation under the supervision of J. Edgar Hoover and other "G-men." Officers of forty law-enforcement agencies in many parts of the country are attending. Crime detection, criminal identification, and other important matters of police interest are taught.

Ten New York City policemen have been awarded scholarships for advanced study in a special course this term in traffic control and community safety at New York University's national Center for Safety Education. Prominent guest lecturers from police and safety circles will assist in the instruction.

Courses in Career Service Increase

A directory in the 1939 *Municipal Yearbook*[1] shows that courses in public administration are offered at 150 colleges and universities in the United States. Eleven more institutions are listed than last year, and twenty-three more than two years ago. Sixty-nine offer a curriculum or special program rather than a single course in an effort to prepare students for careers in general administration.

Stockholm Housing and Planning Congress

The International Federation for Housing and Town Planning (47 Cantersteen, Brussels, Belgium) has arranged to hold its 1939 international congress in Stockholm, Sweden, July 8th to 15th. There will be lectures and discussions on house building for special groups, town planning and local traffic, and the administrative basis of national planning. Following the sessions there will be a choice of two extended study tours, from Stockholm to Copenhagen, and one shorter tour.

[1]Chicago, International City Managers' Association.

County Consolidations vs. County Secessions

City-County Cooperation in Kentucky

By PAUL W. WAGER

San Diego Wants to Secede from County

The city of San Diego, California, is contemplating withdrawing from the rest of the county in which it is located and setting up a consolidated and unified city-county government within its own boundaries. Numerous steps are necessary, however, before such a move may be consummated.

An election will be held March 28th on the first steps necessary, i.e., a decision as to whether a board of freeholders shall be elected to prepare for such separation, and the election of the members of the board if the voters give the matter their support.

Consolidation Considered in Georgia Counties

Last September the grand jury of Glynn County appointed a committee to investigate the feasibility of consolidating the governments of Glynn County and the city of Brunswick, or the consolidation of corresponding departments in city and county. The committee has met and taken steps to start investigation to ascertain the amount of saving that might be expected from either type of consolidation.

A proposal has been made in Bibb County for the merger of the county government with that of the city of Macon. The proposal grew out of discussions for the extension of the city limits. Many who protested the annexation of suburban areas to the city indicated a willingness to see complete consolidation of the two political units.

A Rural County Tries Consolidation

Students of rural local government will doubtless be interested in the efforts and experiences of officials of Hardin County, Illinois, in consolidating road districts. Hardin County is distinctly rural. In 1930 it had a population of less than seven thousand. Its largest town has a population of less than two thousand. It is organized under the commission type of government, as distinguished from township organization.

Until January 1939 the county had been divided into four road districts, each district having an elective commissioner and clerk. On January 9th the Board of County Commissioners, with the advice of the state's attorney, Clarence Soward, abolished the four districts and formed a new district coterminous with the county. This new district will have an elected commissioner and clerk and represents the greatest degree of consolidation in highway administration possible for such counties under the present statutes. The initiative appears to have come from the officials named. Newspaper accounts indicate that they were forced to defend their action against considerable opposition in certain localities.

Arguments advanced in favor of the consolidation were: (1) close coöperation would be more likely between the county superintendent of highways and one road commissioner than with four road district commissioners; (2) road machinery could be bought and used more effectively; and (3) less money would be spent for salaries of commissioners and clerks. (In his argument at the hearing before the commissioners voted for the consolidation, Mr. Soward asserted that in some districts all of the tax money for a year was sometimes consumed by the salaries of the district commissioner and clerk, leaving nothing to spend for maintenance.)

Arguments of opponents of the change were: (1) the consolidation would mean "too much centralization" and "too much

concentration of power" in one road district commissioner and one county superintendent of highways; (2) the individual farmer would have "no influence" in obtaining work on tributary roads; (3) the new road district commissioner might be inefficient or might show favoritism to certain localities in improving roads; (4) the efficiency of the new arrangement was doubted; and (5) the inhabitants of a locality having a substantial assessed valuation would be paying a large portion of the road tax and getting little in return, while under the previous system their tax money was all spent within the boundaries of the old district. The opposition seems to have come chiefly from residents of this district, which contains the largest town in the county—Rosiclare. Very little opposition seems to have come from the four district clerks and four commissioners.

The controversy brought to light one interesting fact which some may take as indicative of the tone of local administration in some areas. For a number of years there has been no distribution by the county to the city of Rosiclare of the city's half of the district road tax levied on the real property within its boundaries as the law provides. So the consolidation controversy may be a good thing even for Rosiclare.

LEON WEAVER

Illinois Tax Commission—
WPA Local Finance Survey.

City-County Cooperation in Kentucky

There have been two recent instances in Kentucky of city-county coöperative effort which are of general interest. The health departments of the city of Lexington and Fayette County have been combined with the approval of the State Health Commissioner. The city has appropriated $23,000, the county $8,000, and the schools $6,000 for carrying on public health work during the current year, and there is every indication that the merger will prove an effective one.

The city of Madisonville and Hopkins County jointly sponsored a WPA county hospital project, which has recently been completed. The county appropriated $10,000, the city appropriated $5,000, and a campaign for private contributions netted $30,000. This $45,000 constituted the sponsor's portion of the total cost of the project, which will be approximately $120,000. The hospital is to be governed by a board of trustees appointed by the city and county authorities which, once appointed, will become autonomous and self-perpetuating. Operation will begin unencumbered by any debt, and the hospital is expected to produce all necessary operating expenses. There is no provision for future assistance from any public source, except payment by the city or county for charity cases.

JAMES W. MARTIN

Commissioner of Revenue, Kentucky

Pennsylvania Seeks Modernized County Government

Amendments to the Pennsylvania state constitution can be submitted to the people only after favorable action by two successive legislatures. Two years ago the legislature passed a resolution proposing an amendment which would remove the present constitutional requirements and leave the organization of county government to the General Assembly. The resolution has been introduced again this year (Senate Bill No. 46). Under it, article XIV, section 1, of the constitution would be amended to read as follows: "Counties shall be administered under such system of government and by such officer or officers as the General Assembly may by law provide. Optional systems of government may be provided for by the General Assembly to become effective in a county only when accepted by the electors thereof."

Legislation Being Considered in North Carolina

No important legislation has been enacted as yet by the North Carolina legislature now in session. Among the bills which are expected to receive favorable action is one to abolish or severely restrict the use of the absentee ballot. Within the last year there have been some unsavory election scandals in the state and there is a strong demand that the absentee ballot be completely abolished, at least in primary elections. If the legislature follows the recommendations of the finance committee, the local units of government will be given three-fourths of the proceeds from the tax on intangibles instead of one-half as at present.

Several local bills, that is, bills applying to single counties, have been introduced to extend the terms of various county officials from two to four years. All constitutional officers are already elected for four-year terms. There is considerable sentiment for a retirement system for municipal and county employees and it is possible that legislation to this end will be enacted at the present session.

Since current tax receipts are falling below those of a year ago most appropriations for the next biennium are being held to the 1937-1939 figures and some may even be reduced slightly.

Legislation in Tennessee

A bill establishing a general sessions court for Knox County (containing Knoxville) has been passed by the Tennessee legislature now in session. Three judges, who are to serve until September 1, 1940, are to be appointed by the Governor. With minor exceptions the bill is identical with that which was reported on page 614 of the December 1938 NATIONAL MUNICIPAL REVIEW. A bill providing for a general sessions court for Bedford County was defeated.

No other public acts of much importance have been passed as yet, but early action is expected to repeal the county unit law, much of which was declared unconstitutional by the State Supreme Court,[1] and the law that enlarged the state election board. These acts grew out of a factional fight in the Democratic party. Several bills have been introduced to remove the poll tax as a prerequisite for voting but it is doubtful if any of them will pass.

LYNDON E. ABBOTT
Tennessee Valley Authority

Year Brings Fiscal Troubles to Cities

State Legislatures Consider Financial Problems

By WADE S. SMITH

Whereas mid-February two years ago saw increasing evidence of financial stability among American cities, with current and delinquent tax collections on the upswing and emergency relief costs trending downward, the same month in 1939 finds tax collections falling off, welfare and social service costs mounting once more, and surplus revenues all too often depleted because of their use to reduce tax levies in the past and prior years. The outlook is that the "average" city will find its fiscal problems during the coming year more serious than since the depth of the depression, while a small minority may end 1939 in the weakest position in years.

Cities which for one reason or another have borrowed heavily for relief costs, rather than meet relief requirements from current revenues, now find themselves in some instances uncomfortably close to their debt limits. Such a city is Minneapolis, which in addition to heavy borrowing for capital purposes (often in connection with work relief projects) has issued an average of about $5,000,000 bonds annually for welfare in recent years. Unless relief costs in that city decline sharply

[1] See NATIONAL MUNICIPAL REVIEW for March 1938.

—which is hardly to be expected—or unless state assistance in some form is forthcoming, the borrowing margin will have been about exhausted before 1939 is closed, since the refunding of peak requirements on term bonds for which sinking funds are inadequate is being resorted to.

Cities which have been losing ground steadily because of the restrictive effects of over-all tax rate limitation also stand to be further weakened during the year. Seattle, the outstanding example of insolvency resulting from an all-inclusive tax rate limit, has no worries about financing relief requirements since these are financed by the county, but does face an acute current operating crisis. The city enters 1939 with a general fund cash deficit of over $7,000,000, insufficient cash for monthly payrolls, no credit at the local banks, a badly unbalanced budget, and tax collections trending downward despite the tax limitationists' promises that the fifteen-mill rate limit for the city would stabilize collections. On February 6th the city sold $3,500,000 of warrant funding bonds at an interest cost of 4.22 per cent, a high cost reflecting the limited tax status of the new bonds as well as the involved financial situation. Unfortunately, the funding operation contributed nothing to the city's financial prospects since the budget remains unbalanced; limited funds available for operations must be still further curtailed by debt service on the new bonds within the fifteen-mill rate, and recurring operating deficits are to be expected.

Difficulties are also being experienced by Kansas City, Missouri, whose refunding of term bonds was described in a recent issue. This city has adhered to a cash basis of current operations in the past, as required by its charter, but has done so only by wholesale discharges and salary reductions in the closing months of the fiscal year. This year, according to the press, the city's financial condition is the worst since the Pendergast machine got control of the city twelve years ago, with a $1,500,000 deficit at January and four months more to go before the close of the fiscal year. It is said that instead of 25 per cent to 50 per cent pay cuts, entirely payless pay days are prospective for the city's three thousand employees.

In Denver difficulties faced by the state of Colorado resulting from the diversion of funds for the old-age assistance program are resulting in encroachment of the state on local revenues as well as in a prospective decrease in state aid for cities. On February 14, 1939, the State Supreme Court held that municipal liquor license taxes came within the meaning of the old-age assistance amendment requiring payment of 85 per cent of such net receipts to the pension fund, and Denver now stands to lose about $150,000 annually in its municipal licenses as well as about $300,000 accrued taxes for the period since the amendment became effective. The Governor is seeking to have the legislature divert to the general fund proceeds of the income tax (enacted in 1937) part of which now goes to the counties for school purposes, and if this occurs Denver (which receives in its county capacity a portion of the allotment in addition to that for Denver schools) stands to lose about $240,000 annually. The Governor holds that if the income tax is not diverted to the state general fund, further state assistance for relief will be impossible. In 1938 Denver received about $760,000 from the state for welfare. Fortunately, Denver has maintained an unusually strong fiscal position, and will be able to adjust itself to whatever changes may be necessary without more than temporary difficulty. Other cities and counties in the state face general distress, however, while legislative readjustments may be undertaken in other states with comparable results.

In New Jersey the problem of relief financing remains unsolved, the most con-

crete proposal to date being a legislative move to require the offsetting of amounts due to the state highway department from the cities against the amounts claimed as due by the cities for the state's share of 1938 relief costs. The proposal is aimed principally at Newark, which is said to owe the highway department over $2,000,000. In New York State interest centers around the Governor's budget message, which requested the renewal of the state ad valorem property tax at a rate of one dollar per thousand, a gross receipts (sales) tax of two-tenths of 1 per cent, a 50 per cent increase in the hard liquor tax, doubled rates on stock transfer taxes, a 25 per cent increase in inheritance taxes, and the making permanent of the top two cents of the gasoline tax and the emergency income tax. Strong resistance to many of the new or continued levies is being made—particularly by the real estate groups against the renewal of the state property tax—and since fully one-third of New York State's revenues are turned over to its counties, cities, and schools as state aid some readjustment of local finance may be needed if state revenues are appreciably reduced.

South Carolina's Public Welfare Problem

When the eighty-third South Carolina General Assembly convened January 17th it faced the problem of financing the state's social security program, with no revenue for this purpose in sight. The State Budget Commission had not included this service in its proposed appropriations; and it remained a separate and distinct problem at the end of the fifth legislative week as the house committee on ways and means likewise left public welfare out of its appropriations bill. This procedure was recommended by Governor Maybank, who was hopeful that developments in Washington would result in the federal government taking over a larger share of the burden.

For the fiscal year which ended June 30, 1938, the General Assembly appropriated $1,718,334 for the social security program. For the present fiscal year $2,324,715 was authorized for this purpose. It is estimated that the requirements for next year will be approximately $3,500,000.

The Public Welfare Department has been operating for the two years of its existence on the surplus which resulted from a climbing revenue that apparently reached its peak last year. That surplus has now been spent and a new source of revenue must be found. Inasmuch as all but $1,000,000 of the highway fund has been pledged for past and present highway programs, the only feasible—even if highly unpopular—means of producing sufficient revenue appears to be a general sales tax. Since Governor Maybank has stated that he would veto such a tax, the task may become that of finding another name for it.

The abolition of the five-mill property tax for state purposes, a producer of a net annual income of $1,800,000, may be regarded as further evidence of the necessity of a sales tax. Moreover, the voters extended their disapproval of property taxes last November by asking the legislature to kill the constitutional three-mill levy for school purposes.

A special joint legislative committee, which was created to study state finances, made its report February 9th. It was of the opinion that an additional revenue of $4,500,000 would be required to maintain expenditures on the present basis. This represented the combined total of an indicated deficit of $1,250,000 at the end of the current year and an estimated deficit of approximately $3,250,000 during the year 1939-1940. Governor Maybank, who suggested such a study in his inaugural address, attended most of the committee sessions.

James K. Coleman
The Citadel

New Revenues Requested for Maryland

Governor Herbert R. O'Conor when elected appointed several survey commissions of outstanding personnel to consider various problems facing the state. Effect is being given to the findings of those surveys in bills that are being introduced in the legislature and in the budget presented by the Governor.

The budget gives effect to several reorganizations of departments in the interest of efficiency and economy, applies numerous reductions particularly in overhead, eliminates the diversion of gasoline tax revenue, eliminates the use of bond issues for current operating expenses, and includes $5,000,000 a year for relief not heretofore included in the budget proper.

To accomplish the foregoing and produce a comprehensive budget balanced as to appropriations and revenue, the following new revenue schedule is proposed:

Income Taxes:			
2½ per cent tax on net income of individuals (exclusive of income from dividends and interest), estimated to yield annually		$1,950,000	
Taxes on dividends and interest at the rate of 6 per cent per annum, estimated to yield annually	$4,800,000		
Deduct from this estimate the amount required to replace the yield from the 4½-mills tax which is to be repealed; this sum to be returned to the political subdivisions and the state	2,400,000		
Net total from the tax on dividends and interest		2,400,000	
1½ per cent tax on net income of corporations, estimated to yield annually		1,250,000	
Total from income taxes			$5,600,000
Other Taxes: (continuations or alterations of existing taxes)			
Motor vehicle titling tax (1 per cent on market value of all motor vehicles for which original certificate of title is issued by commissioner of motor vehicles)		450,000	
Tax on music boxes ($15 per machine)		55,000	
Beer tax at 75c per barrel		860,000	
Tax on recordation of legal documents (varying with value)		235,000	
Additional tax on distilled spirits at 15c per gal.		310,000	
Increased tax on race track betting (increased from 1 per cent to 2 per cent)		300,000	
Tax on passes and admissions		220,000	
Renewal of operator's licenses (at $2.00, excluding chauffeurs)		500,000	
Total			$2,930,000
GRAND TOTAL			$8,530,000

The remainder of the budget is provided from the normal sources, including the general property tax which is not increased but remains at the rate of approximately twenty-three cents per $100.

The proposed tax on incomes is called a classified tax. The proposal for a graduated income tax was submitted to the voters in November and disapproved by a light vote. No serious opposition seems to have developed as yet to the new revenue schedule proposed. The *Baltimore Sun*, however, has for some time favored increasing the general property tax in lieu of new revenue sources.

D. Benton Biser, *Director*
Baltimore Commission on Governmental Efficiency and Economy, Inc.

Kentucky Units to Report to State

The 1938 Kentucky County Debt Act, in addition to providing procedure for refunding old issues and for floating new issues of bonds, contains clauses requiring county officials to file semi-annual debt reports and quarterly financial statements with the State Department of Revenue.

The department is now engaged in analyzing the first semi-annual reports of county budgets, showing detailed maturity schedules for each bond issue, the condition of each sinking fund, and a schedule of floating indebtedness outstanding. The quarterly reports of county court clerks respecting the current budgetary condition are also being analyzed with a view to current supervisory action, designed to insure a budgetary balance at the end of the fiscal year.

Experience thus far appears to indicate that the reports will be of very considerable value in making current fiscal supervision successful. Both types of reports will assist also in negotiations respecting the funding of current indebtedness and regarding the refunding of bonded indebtedness. In devising a uniform plan of county record-keeping, the Department of Revenue is greatly assisted by having accessible these current reports which tend to render apparent the elements of strength and weakness in the record-keeping plans existing in various forms in the different counties. (It is now contemplated that the new accounting records which have been devised will be installed under careful and continuous supervision in only a few counties at the outset.)

James W. Martin
Commissioner of Revenue, Kentucky

Tennessee Fights Poll Tax

Much interest centers in the bills that have been introduced in the Tennessee legislature to reduce and to abolish the poll tax as a voting qualification. The Tennessee League of Women Voters has waged an active campaign for abolition of the poll tax, a step that can be accomplished only by a constitutional amendment. Present indications point to the removal of the poll tax as a prerequisite for voting in primaries as the most that will be done on this matter.

Another problem attracting considerable attention is the administration's proposal for a state 3 per cent gross receipts tax on power distributed by municipalities under contract with the Tennessee Valley Authority. The intent is to avoid a loss of revenues if and when the properties of the Tennessee Electric Power Company are purchased by the TVA and local governmental units. The present plan would reduce the tax as payments by the TVA to the state increase in amount. (By federal statute the TVA pays Tennessee an amount equal to 5 per cent of the wholesale power sales from dams located in Tennessee.) Opposition to the tax has been voiced by cities now under contract with the TVA for power. Payments in lieu of property taxes, however, are provided for in these contracts.

Lyndon E. Abbott
Tennessee Valley Authority

In Brief

Hearings before the Senate committee on the tax exemption of federal, state, and local bonds ended February 16th, with a full committee report not likely before the first of March. Bills were pending before the House relating to taxation of government salaries, aimed chiefly at preventing any effort of the Treasury to collect such taxes retroactively. Both taxation of government bonds and taxation of public salaries appeared less likely at this session as arguments for the submission of a constitutional amendment appeared to gain added weight with Congressmen.

Natchez, Mississippi, on March 1st opened an automobile tire factory built by the city under the state's industrial sub-

sidy law with a $300,000 city bond issue. The factory is leased to a private concern, which agreed to install $500,000 of equipment, insure the plant, and keep it in repair. At the end of five years the concern may purchase the plant, when it will go back on the tax rolls. The concern promises a $2,500,000 payroll exclusive of executives' salaries, and must pay the city 10 per cent of any deficiencies. Seven other cities in the state have built plants under the 1936 law, Natchez itself having already constructed a garment factory now employing three hundred workers.

The means of financing the old-age pensions promised during his campaign were presented to the Texas legislature by Governor W. L. (Pappy) O'Daniel as a 1.6 per cent transaction tax. The tax would apparently be a gross sales tax accumulating on each transaction, and would be submitted as a constitutional amendment together with the proposal to abolish the state ad valorem property tax and pay not over thirty dollars a month to persons over sixty-five years of age.

In Arizona a bill permitting any taxpayer owing taxes for 1938 or prior years to pay such taxes without interest, provided payment is made before January 1940, is being opposed by the Arizona Municipal League. The League cites the fact that taxes due last November are affected, and would not have to be paid until January 1, 1940, setting a bad precedent and penalizing the taxpayer who paid promptly.

P. R. Activities on Many Fronts

Waterbury May Vote This Spring

By GEORGE H. HALLETT, JR.

With the mayor and other prominent officials and political leaders under indictment for an alleged million-dollar graft conspiracy, citizens of Waterbury, Connecticut, have presented a proportional representation—city manager charter for their city to the Connecticut legislature and asked a referendum this spring on its adoption.

A public hearing at Hartford on February 16th was attended by a large crowd from Waterbury led by the new Citizens' Good Government Association and the League of Women Voters. Some fifteen representative citizens spoke for the bill, urging that Waterbury's troubles were due primarily to "the system" rather than individuals, and no one appeared in opposition. State Senator George T. Culhane of Waterbury expressed disagreement with the principles of the proposed charter, but said, "I'll go along with the referendum. Let's have it."

Julian G. Hearne, Jr., who was formerly chairman of the Wheeling Association which secured the adoption of a similar charter in Wheeling and who is now in Waterbury as campaign consultant, writes: "It appears certain that the Connecticut General Assembly will enact a city manager—P. R. charter bill for the city of Waterbury, subject to a referendum by the voters of that city some time during April or May. If passed and adopted by the voters, the bill would become effective on January 1, 1940; although the new council of seven would be elected by P. R. on the previous October 3rd.

"The Citizens' Good Government Association of Waterbury, Inc., sponsors of the bill, are optimistic concerning the chances for adoption of the 'Cincinnati Plan' in Waterbury. This association was organized in January 1938, and already has grown to nearly ten thousand members. A sound campaign organization is being built up and perfected slowly but surely, and the educational campaign is already well under way. Mr. Harold F. White, of the Blake and Johnson Company, is the president and is providing able leadership to the charter

movement. The organization during the last year was helped greatly by the untiring efforts of Vice President Joseph Neily, who is primarily responsible for the present large membership. The women of Waterbury are responding to the call to action, and their efforts are being counted on to provide a good share of the district organization work.

"With the criminal conspiracy trial of some twenty-two city officials and others now under way, the newspapers are full of stories indicating that a change is needed. While the association very carefully refrains from attacking any office-holder or person, it cannot help but emphasize that something is amiss with the present system of government, and that the proposed charter is the logical vehicle to bring about better government."

A Promising Movement in Boston

A strong new P. R. Committee for Boston has developed, with Thomas H. Mahony, a prominent Boston lawyer, as its chairman, and Miss Margaret McSweeney, who became familiar with the system in New York City, as secretary.

The committee has introduced a bill to remove the present exception from the Massachusetts optional P. R. law so that the city council of Boston, like any other city council in the state, can be elected by P. R. if the people of the city so decide by petition and popular vote. There will be strong opposition in the legislature from the political friends of present Boston councilmen, but the present leaders of the Republican majorities in the two houses are Senator Joseph R. Cotton and Representative Christian A. Herter, the co-sponsors of the present P. R. law, and the bill is conceded a chance of success. It is receiving active support from the League of Women Voters and other civic groups and from some of the newspapers.

The *Boston Herald* of February 13th carried an editorial entitled "P.R. as Money-Saver", which read as follows:

"How much basis is there for the statement made in a debate a night or two ago by Thomas H. Mahony, chairman of the citizens' committee for proportional representation in Boston? He asserted that P. R. would afford relief to taxpayers. His comparisons show that cities like Toledo and Cincinnati, which operate under this system, spend less than those which, like Boston, elect their councils in the regular way.

"Why should P. R. be a money-saver? Simply because it puts more brains and honesty into politics. It gives a voice to groups which are now suppressed and exploited. It reflects far more accurately than the prevailing arrangement the desires of the people, and especially the property owners. The results which have accrued not only in the United States but in foreign countries where P. R. has been adopted are astonishing. They go beyond the expectations of the early advocates.

"It is absurd, of course, to argue that P. R. would cure all our local ills. But it would be a good beginning. It would induce prudence. It would at least tend to stop the strong tendency to solve revenue problems by tapping new sources rather than by economizing."

Bills to repeal the present optional P. R. law and also the "Plan E" law, under which any city except Boston may adopt P. R. and the manager plan together by a single petition and popular vote, were filed with this year's Massachusetts legislature by a Cambridge woman. When the P. R. bill repealer was given a hearing recently she was the only one to appear in its behalf and a number of influential citizens appeared against it. The bills are not expected to be taken seriously.

Active interest in Plan E is reported from Springfield, Chicopee, Leominster, Attleboro, Waltham, and the three cities which polled good votes for adoption of the plan last fall—Cambridge, Quincy and Northampton. The law does not permit

a vote on adoption oftener than once in two years.

Indiana Also Considering

A bill to make P. R. and the city manager plan optional in Indiana cities is before the Indiana legislature. Chief interest lies in Indianapolis, where both major party candidates for mayor declared for the manager plan in the last election campaign, the defeated Republican candidate insisting that P. R. was also essential. Since the manager plan as adopted by Indianapolis some years ago (without P. R.) was declared unconstitutional, a special commission to study the whole situation has recently been created by the legislature.

A Counter-Attack in Cincinnati

With P. R. advancing in active campaigns for adoption in the cities named above and also in Philadelphia, Providence, Chicago, Schenectady, New Rochelle (New York), and White Plains (New York), the Republican organization has decided to try again to abolish P. R. in Cincinnati. Before P. R. and the manager plan were adopted in Cincinnati in 1924 the notorious Cox-Hynicka machine of the Republican party had a strangle hold on the city government for many years. Under the chastening influence of P. R. the machine has since greatly improved in reputation and leadership and has increased its membership in the P. R. council accordingly, but it has never in seven elections been able to regain an absolute majority in the council. Three years ago it attempted to get rid of P. R. by bringing a repeal amendment to a vote at a spring primary, when the politically active are customarily out in force and independents vote in smaller numbers than in general elections. The attack was defeated, but the vote was close.

Now, encouraged by a clean sweep of the city for the party's state and national candidates last fall, the party organization has decided to try again. A special election has been proposed for May 16th on a proposal to elect the council of nine by plurality vote at large after nonpartisan nominations by petition. The probable result of such a system under present circumstances would be the election of nine organization Republicans, even though a majority might continue to divide their votes among independent Republicans, Democrats, and independents, and the complete elimination in city affairs of the opposition whose comparative absence the Republicans so decry in Congress.

The nonpartisan City Charter Committee, original sponsor of P. R. and backer of from four to six of the nine successful councilmen at every election under it, is preparing to lead a spirited defense of the present system and attack on the proposed substitute. It will have the wholehearted support of other civic groups and of the *Cincinnati Post*, the one local paper which campaigned for the original adoption.

As we go to press the city solicitor has just ruled that the petitions first put in circulation by the Republican organization are defective in form and the petitions have been temporarily withdrawn. Under the charter and the constitution the city council will fix the date for the referendum if, as expected, valid petitions are later submitted. The date must be not less than sixty nor more than one hundred and twenty days after the submitting ordinance is passed.

The Third P. R. Election in Norris, Tennessee

On January 31st the town of Norris held its third P. R. election, at which time nine members were elected to the town council. As explained in an earlier note in this REVIEW,[1] the town of Norris is owned and operated by the Tennessee Valley Authority. A council of nine members, however, is elected annually by

[1] March, 1938.

the residents of Norris to serve in an advisory capacity to the town management.

One week prior to the election only seven persons had qualified for the nine positions to be filled on the town council. Last minute maneuverings brought the total number of qualified candidates to twenty-three—the largest number to qualify at any election during the three years that P. R. has been in operation. These twenty-three candidates included three members of the outgoing council and two women.

A total of 413 ballots were cast in the election, 411 of which were valid. No candidate received a sufficient number of first-choice votes to be elected. Likewise, the elimination of the ten lowest ranking candidates failed to result in the election of any candidate, although 113 votes were involved in these ten transfers. On the eleventh transfer of votes, candidates ranking first, second, and tenth in terms of first-choice ballots received their quota of votes and were declared elected. Two more candidates were elected on the twelfth transfer, two on the thirteenth, and two on the fourteenth and final transfer of votes.

Of the nine candidates elected to membership on the council, six ranked highest on the first ballot. The other three candidates that were elected ranked ninth, tenth, and thirteenth in terms of first-choice votes. Two of the three members of the outgoing council who sought reëlection were defeated, as were also the two women candidates. Seven of the nine members elected to the council are employees of the Tennessee Valley Authority. Of the two remaining members, one is an employee of the Norris Coöperative Gas Station and one a professor at the University of Tennessee.

At its first meeting the new council designated from its own membership a mayor and a vice-mayor.

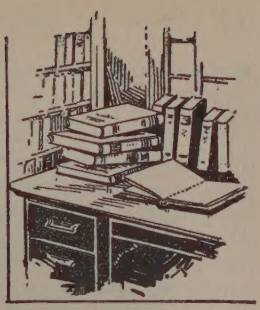
M. H. Satterfield
Tennessee Valley Authority

Father Dowling Joins the P. R. League Council

The trustees of the Proportional Representation League, Inc., now operating as a branch of the National Municipal League, have elected Father Edward Dowling, S. J., of St. Louis, to fill the vacancy in the League's advisory council created by the recent death of Henry Bentley of Cincinnati. Father Dowling was formerly on the faculty of Loyola Academy, Chicago, and is at present associated with St. Louis University. He is also engaged in national Catholic educational work through the Sodality of Our Lady. For some years he has been one of the most earnest and effective advocates of proportional representation.

In accepting the trustees' invitation he wrote: "I consider it a distinct honor to be asked to serve on the national advisory council of the Proportional Representation League. . . . P. R. to me seems focal where other movements strike me as peripheral. . . . In a world scene that makes insistent and variant demands for one's attention and support, I feel the necessity of a central target. . . . and the need of avoiding waste of time and effort on symptoms and headlined insignificances. P. R. as the instrument that releases on society the cumulated wisdom and good will latent in the mass of untapped voters, seems to me the unalternatived answer to the superstition of leadership, that American *ersatz* for dictatorship or its forebear, the divine right of kings, which has hypnotized so many lackey-minded Americans."

Recent Books Reviewed



EDITED BY ELSIE S. PARKER

Education for Citizenship. By Howard E. Wilson. New York City, McGraw-Hill Book Company (for The Regents' Inquiry into the Character and Cost of Public Education in the State of New York), 1938. xii, 272 pp. $2.75.

At a time when leadership in not only political but virtually all other spheres is exhorting us to take positive action for the preservation of democracy, this study of education for citizenship, undertaken as a part of the Regents' Inquiry into the Character and Cost of Public Education in the State of New York, is especially challenging.

The widespread opinion which has been developing that our schools have scarcely scratched the surface of their implied duty to train children to become responsible citizens in a democracy finds ample support in many of the conclusions and recommendations. Some of these, while not particularly unexpected, should prove disquieting. Relatively well informed on topics which "make the headlines," New York State pupils are "extremely ignorant" about matters pertaining to their own communities. They are reluctant to assume social responsibility and to participate in social action—if it takes an effort; and are inclined to shift burdens. The writer might well have been reminded of the disinclination of the parents of these children to participate in community affairs. Perhaps he offers a clew with his opinion that, "so far as school life is concerned, most schools are giving pupils experience in living under dictation, rather than experience in the management of their organized group life. . . . Generally speaking, schools are doing little or nothing to make pupils more willing and experienced in the democratic solution of group problems."

When teachers try to use the community for field trips to develop their pupils' acquaintance with local problems, they find "a negative and timid attitude on the part of the administrators."

This review does not attempt to give an adequate picture of the comprehensive scope of the study, which included detailed analyses of the framework of social studies instruction; civic competence, comprehensions, skills and attitudes of pupils; criticisms of existing methods of teaching and examination; a general evaluation of types and training of teachers; and other matters.

In view of New York State's position in the field of education, the reader of this thorough and more than a little critical treatise should consider it not so much condemnatory of citizenship training in one state as an appalling indictment of methods throughout the nation.

A. W.

How to Be a Responsible Citizen. By Roy V. Wright and Eliza G. Wright.

New York City, Association Press, 1938. xi, 203 pp. $2.00.

Many have talked about the preservation of democracy—"making democracy work"—but comparatively few have done much about it. A willing and eager public, regularly exhorted to uphold democracy, especially in recent years and months, must have at least a subconscious yearning for some sort of specific program or chart on which to proceed.

The average person can scarcely escape feeling he can't do a great deal individually about the international situation, and he must feel some sense of futility even in national affairs after he has read a few of the "true confession" books by practical political men revealing some of the intricacies in this matter of ferreting out, building up, and electing to high office those who for one reason or another are chosen for "leadership."

In their own home town of East Orange, New Jersey, a husband and wife decided to get seriously into this business of accepting their duties as citizens in a democratic form of government. They *participated.* They discovered that "nice" people really can engage in political activity and still be "nice," if not nicer. Mrs. Wright interested herself in social problems and became a member of the East Orange Recreation Commission. Mr. Wright served a three-year term as a freeholder in Essex County. Both also took part in national political activities. Mr. Wright's ideas began to attract attention and brought him an invitation to lecture on citizenship at a college.

Inevitably they became appalled to find that "even intelligent citizens have only a very hazy idea of their responsibilities in a republic and how to discharge these responsibilities and make their influence most effective." The result was this book —*How to Be a Responsible Citizen*—a book quite unlike any ever published before.

Leaving the level of typical patriotic oratory, the authors, in short, vigorous, readable chapters, get down to cases in a thoroughly constructive manner. The first part of the book, with an accuracy which reveals Mr. Wright's engineering background and Mrs. Wright's recognition of the importance of woman's potential influence in public affairs, provides the setting for the detailed outline in the second part of how a citizen may be a real citizen. The third part reveals a wealth of helpful material (for which even as well informed and public-spirited a couple as the Wrights had to dig painstakingly). The fourth section deals with the broader aspects of citizenship in a democracy.

If this book and a few of those listed in the extensive bibliography which accompanies it could be read by only a small proportion of the school teachers, parents, and especially by those who are leaving college to take their places in American life, we could well be more confident of the continued success of "the American way."

The Purposes of Education in American Democracy. The Structure and Administration of Education in American Democracy. By Educational Policies Commission. Washington, D. C., National Education Association of the United States and the American Association of School Administrators, 1938. 157 and 128 pp. Fifty cents each.

If our "school marms" are seen to develop inferiority complexes and guilty airs it probably will be because each new study of the educational processes finds itself inevitably concerned with the school's alleged failure to produce citizens who meet democracy's demand for informed, intelligent, and active participation in its processes.

These two scholarly books of the Educational Policies Commission, appointed by the National Education Association of

the United States and the American Association of School Administrators, are concerned chiefly with much more general matters, but they dwell, at least inferentially, on the importance of schools in citizenship training.

The first named volume includes a plea that schools be more concerned with teaching values and providing experiences in problems of life than with facts, and declares that "the entire curriculum, the entire life of the school, in fact, should be a youthful experience in democratic living, quickening social inventiveness, and agitating the social conscience. So are citizens for the democratic state successfully educated."

There seems to be more concern over good citizenship on a national scale than on a local, with attention called to the fact that thirty million qualified voters "do not exercise their franchise, even in the most exciting elections," but no mention of the even more disturbing fact that many local elections challenge the interest of only about one-third of the electorate.

This book is less addicted to broad generalizations than many of its forerunners in this field have been. Essentially, it seeks to do two major things: first, to state what schools of the United States ought to try to accomplish; second, the things which need to be done if these purposes are to be realized.

Although it is critical of many elements of educational processes, it finds the general trend distinctly hopeful and "the current tendency to re-evaluate, in the light of realistic objectives, all the activities of the common schools . . . a wholesome one."

The second volume outlines the structure and scope of public education, and discusses administration in local and state fields as well as including a chapter on federal relations in education. It sees promise that emphasis in secondary schools will be placed more on "meaningful experience rather than upon the accumulation of knowledge. The structure of the school system may not be greatly changed, but its social significance will be greatly augmented." It is argued that there is urgent need for "terminal courses" for students whose education ends at eighteen or twenty years of age, and it is predicted that the solution will be to reorganize the junior high school to cover four years, following with senior high school for two to four years.

Besides espousing recognized administrative principles such as nonpartisan election of state and local school boards which are empowered to appoint superintendents, the book makes an urgent plea for local control and administration of education as a "school for democracy," adding, "If all citizens are to participate intelligently in all phases of government, it must be on the basis of intelligent interest in those affairs which are near at hand. Only gradually may the intelligent citizen be expected to move from the consideration of his local government to an understanding of and an active participation in the affairs of those other governments that are more remote."

A. W.

Your Community: Its Provision for Health, Education, Safety, Welfare. By Joanna C. Colcord. New York City, Russell Sage Foundation, 1939. 249 pp. Eighty-five cents.

The ordinary citizen whose unfledged interest in local government and local sociology must be spoon-fed with sugar-coated pellets of newspaper sensationalism will not be helped by this volume. The title of chapter one summarizes its purpose: "Your Community: How To Study Its Health, Education, Safety and Welfare." Each chapter thereafter constitutes a detailed, specific outline of the things to find out about each phase of community life, and the places in which to find them. But the very persistent thoroughness of the detail embodied in

this volume should render it invaluable to the serious student (although, perhaps, not to the expert), to the teacher, and to all those whose work or serious interests make it necessary for them to understand the roots of daily life in their city. Originally intended as a guide for social workers, this book should have a far wider use. It is a signpost through multiplicity for those who do not mind doing a little work on their own as the price for gaining understanding.

M. R.

New York: An American City 1783-1803. A Study of Urban Life. By Sidney I. Pomerantz. New York City, Columbia University Press, 1938. 531 pp. $5.00.

With a nod at Henry Adams, who could find no lesson in history but chaos, it can still do no harm to draw a simpler and more usual moral from the doings of the past. That would be that our most modern agitations have had numerous precedents in by-gone days. Mr. Pomerantz' study of New York City in the two decades after the Revolution is, of course, a case in point.

In 1938 a New York State constitutional convention was assaulted by "radicals" who asked for, and perhaps got, a measure of greater home rule for New York City. Even the ultra-modern La Guardia had a good deal to say, on the front pages, on the subject. But according to this book, in 1800 a "rude shock" was administered by James Cheetham's pamphlet *Political Equality and the Corporation of New York* which called "with persuasive logic" for "home rule, 'the vital part of government'." The same LaGuardia's crusade of a year of two ago against artichoke monopolists is recalled by the aldermanic election of 1796, when one of the issues was "failure to properly regulate prices and to prevent forestalling in the public markets, thus permitting the gouging of the consumer," while some present trouble in Brooklyn apparently harks back to another 1796 campaign issue, "unfair and arbitrary administration of criminal justice."

There are more parallels which, of course, the reader must draw for himself, since this book, like all other orthodox history books, does not give them. But it may be an amusing exercise for anyone interested in "whither progress?"

M. R.

Additional Books and Reports Received

American Planning and Civic Annual. Edited by Harlean James. Washington, D. C., American Planning and Civic Association, 1938. vi, 346 pp. $3.00.

Formal Professional Qualifications Required of Judges. Chicago, Illinois, American Municipal Association (Report No. 126), 1938. 15 pp. mimeo. One dollar.

Handbills: Freedom of the Press and the Griffin Case. Chicago, Illinois, American Municipal Association (Report No. 123), 1938. 12 pp. mimeo. Fifty cents.

Housing Yearbook, 1938. By Coleman Woodbury. Chicago, Illinois, National Association of Housing Officials, 1938. x, 315 pp. $3.00.

Legislative Functions of Administrative Agencies. Topeka, Kansas, Research Department, Kansas Legislative Council (Publication No. 84), 1938. 29 pp. mimeo.

Reapportionment in Illinois: Congressional and State Senatorial Districts. Springfield, Illinois, Research Department, Illinois Legislative Council (Research Report No. 3), 1938. 48 pp. mimeo.

The Geography of Reading. By Louis R. Wilson. Chicago, Illinois, The American Library Association and The University of Chicago Press, 1938. xxiv, 481 pp. $4.00.